

# Indiana Court Rules Administrative Rules

*Including Amendments Received Through February 9, 2017*

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## **Rule 1. Preparation and Filing of Statistical Reports**

**(A) Preparation of Forms.** The Indiana Office of Judicial Administration (IOJA), pursuant to these rules and IC 33-24-6-3, shall draft forms to be used in the gathering of statistical data and other information and shall submit the proposed forms to the Supreme Court for approval. After the Supreme Court approves the forms the IOJA shall distribute the forms to all courts to be used in preparation of reports.

### **(B) Quarterly Case Status Reports.**

- (1) All trial courts shall prepare quarterly case status reports, on forms approved under the provisions of Administrative Rule 1(A), concerning the judicial work of their respective courts. The last day of the reporting period for the quarterly case status reports shall be March 31, June 30, September 30, and December 31.
- (2) The judge of the trial court may require clerks, court reporters, or any other officer or employee of the court to furnish the information needed to prepare the reports.
- (3) The judge of the trial court shall cause the quarterly case status reports to be filed with the IOJA no later than ten (10) calendar days after the end of the reporting period in electronic format as established by the IOJA.
- (4) The method for assigning case numbers set out below is intended for all purposes, including court costs, but it does not affect the court's ability to waive multiple court costs in selected cases or to try related cases as one.
  - (a) Criminal Cases and Infractions. The clerk shall assign one case number to each defendant charged with one or more criminal offenses or infractions arising out of the same incident, or multiple incidents occurring on the same date, to be tried as one case, regardless of the number of counts or citations charged against the defendant.
    - (i) For crimes committed on or before June 30, 2014 the case shall be designated as a MR--Murder, FA--Class A Felony, FB--Class B Felony, FC--Class C Felony, FD--Class D Felony, CM--Criminal Misdemeanor, MC--Miscellaneous Criminal, or IF--Infraction.

- (ii) For crimes committed on or after July 1, 2014 the case shall be designated as a MR--Murder, F1--Level 1 Felony, F2--Level 2 Felony, F3--Level 3 Felony, F4--Level 4 Felony, F5--Level 5 Felony, F6--Level 6 Felony, CM--Criminal Misdemeanor, MC--Miscellaneous Criminal, or IF--Infraction.
- (iii) When the defendant is charged with multiple charges involving different case type categories, the case number shall be designated so as to reflect only the most serious charge and shall be counted as one case on the quarterly case status report.
- (b) Ordinance Violations. Counts or citations charging ordinance violations shall not be included in the criminal case. The clerk shall assign one case number designated as an OV - Local Ordinance Violation, or OE - Exempted Ordinance Violation case type to each defendant charged with one or more ordinance violations arising out of the same incident, or multiple incidents occurring on the same date, to be tried as one case, regardless of the number of counts or citations charged against the defendant, and the case shall be counted as one case on the quarterly case status report.
- (c) Juvenile Cases. The clerk shall assign a separate case number to each juvenile who is the subject of a Juvenile CHINS--JC, Juvenile Delinquency--JD, Juvenile Status--JS, Juvenile Termination of Parental Rights--JT, Juvenile Paternity--JP and Juvenile Miscellaneous--JM case, for all events and conduct that arise out of the same incident. Each juvenile case number shall be counted as a case on the court's quarterly case status reports.
- (d) Guardianship Cases. The clerk shall assign a separate case number to each individual, adult or juvenile, who is subject to an application to establish a Guardianship - GU case. Each guardianship case number shall be counted as a case on the court's quarterly case status report. Notwithstanding the separate case number requirement set forth above, in situations in which a guardianship is sought for two (2) or more minors or incapacitated persons who are children of a common parent, parent and child, or husband and wife, only a single probate filing fee shall be charged as provided by I.C. 29-3-5-6 and the applications may be joined for hearing.

**(C) Probation Reports.**

- (1) All probation officers or probation departments shall compile and prepare reports on the information required by IC 11-13-1-4 concerning the work of the respective office. All probation officers or probation departments shall file, on forms approved pursuant to the provisions of Administrative Rule 1(A), the following reports:
  - (a) Quarterly statistical reports. The last day of the reporting period for the quarterly reports shall be March 31, June 30, September 30, and December 31.
  - (b) An annual operations report. The reporting period for the annual operations report begins on January 1 and ends on December 31.
- (2) The quarterly statistical reports and the annual operations report shall be filed with the IOJA no later than ten (10) calendar days after the end of the reporting period, in electronic format as established by the IOJA.
- (3) Every trial judge or chief judge of a unified court system shall require the probation officer or probation department subject to the judge's direction and control to comply with these reporting requirements.

**(D) Judge's Confirmation of Reporting.** The judge of the court or the chief judge of a unified court system shall review all reports and confirm, through a process established by the IOJA, the completion and filing of all reports.

**(E) County and Judicial District Caseload Plans.** The judges of the courts of record in each county shall, by a local rule, develop and implement a caseload allocation plan for the county that ensures an even distribution of judicial caseloads among the judges of the courts of record in the county. The judges of the courts of record in each judicial district (established by Administrative Rule 3) may, by local rule, develop a district caseload allocation plan that allows for the efficient adjudication of cases within the district. Counties may elect, by approved local rule, to provide that a judicial officer of a court of record within a county or district may serve as acting judge in another court in that county or district. Jurisdiction in the acting judge shall vest only after the Supreme Court enters an Order approving such local rule.

- (1) Schedule for Plans. The IOJA, with Supreme Court approval, shall prepare and publish a schedule for the submission and approval of such local rules for county caseload allocation plans. The schedule shall ensure that the judges of the courts of record in each county must review and submit a new local rule with a plan or re-submit an existing local rule with a plan not less than once every two (2) years.
- (2) Weighted Caseload Measure. Based on the statistical reports submitted pursuant to this rule and a weighted caseload measures system, the IOJA shall prepare and publish annually a weighted caseload report on the caseload of the Indiana trial courts of record by court, county, and district.

- (3) **County Plans.** The judges of the courts of record in each county must approve the county caseload allocation plan by not less than 75% vote. The chief judge or another judge designated by the courts of record in the county shall submit the approved county plan to the IOJA by the deadline established in the schedule.
- (4) **District Plans.** The judges of the courts of record in a judicial district may approve, by not less than 75% vote, a district caseload allocation plan. Any approved district plan must be submitted by the district administrative judge or another judge designated by the courts of record in the district to the IOJA.
- (5) **IOJA Approval of Plans.** The IOJA will presume that the plans submitted pursuant to this rule were properly approved by the county or judicial district. The IOJA may request a county or judicial district to explain any caseload variance among courts resulting from the county or judicial district caseload allocation plan. The IOJA shall submit to the Supreme Court for approval the county caseload allocation plans that ensure an even distribution of judicial caseload. Should a county fail to submit a plan by the deadline established in the schedule, the Supreme Court shall prescribe a plan for use by the county. The IOJA shall submit to the Supreme Court for approval the district caseload allocation plans that allow for the efficient adjudication of cases.



[Schedule and Format for Adoption of County Caseload Allocation Plans \(with Supreme Court Order\)](#)

**(F) Reporting of Performance Measures in Juvenile Cases**

- (1) **Performance Measures Report.** All trial courts exercising jurisdiction over Children in Need of Services (CHINS) and Termination of Parental Rights (TPR) cases shall compile and report on court performance measures for all qualifying cases in their jurisdiction. The IOJA shall draft forms to be used in the gathering of statistical data and distribute the forms to all courts to be used in the preparation of reports.
- (2) **Reporting Periods.** All trial courts subject to this rule shall prepare a quarterly summary report of the court performances measures for their respective court to the IOJA. The last day of the reporting period for the quarterly reports shall be December 31, March 31, June 30, and September 30.
- (3) **Information for reports.** The judge of the trial court subject to this rule may require clerks, court reporters, or any other officer or employee of the court to furnish the information needed to prepare the reports.
- (4) **Report Submission Dates.** Beginning in federal fiscal year 2014 (October 1, 2013 – September 30, 2014), the judge of the trial court subject to this rule shall cause the quarterly timeliness measures report to be filed with the IOJA not later than ten (10) calendar days after the end of the reporting period in electronic format as established by the IOJA.
- (5) **Qualifying Cases.** All CHINS and TPR cases that were opened not more than five years prior to the beginning of the reporting period and which were closed in the reporting period shall be included in the Court Performance Measures report for that reporting period. All cases filed more than five years prior to October 1 of the reporting year shall be excluded from the report.
- (6) **Court Performance Measures:** Effective for the federal fiscal year of October 1, 2013 – September 30, 2014, and for the same period thereafter, trial courts subject to this rule shall quarterly report the statistics and data requested by the State Court Administration for the following defined court performance measures:
  - (a) **Time to Permanent Placement:** This measure is defined as the median number of days from the filing of the original CHINS petition to permanency. Permanency for the purposes of this measurement is defined as the date that wardship is terminated. This Measure is limited to those cases in which the child was removed from the original parent, guardian, or custodian at any time during the pendency of the case.
  - (b) **Time to First Permanency Hearing:** This measure is defined as the median number of days from the filing of the original CHINS petition to the date the first permanency hearing is held on the case as defined by of IC 31-34-21-7
  - (c) **Time to Termination of Parental Rights Petition:** This measure is defined as the median number of days from the filing of the original CHINS petition to the filing of the petition for termination of parental rights. This measure excludes automatic petitions for termination of parental rights that are filed under IC 31-35-2-4 and 31-35-2-4.5, and such petitions should not be counted in this measure.
  - (d) **Time to Termination of Parental Rights:** This measure is defined as the median number of days from the filing of the original CHINS petition to the day that the last order on the termination of parental rights is entered with regard to the child.
  - (e) **Time to all Subsequent Permanency Hearings:** This measure is defined as the median number of days between all subsequent permanency hearings in a case as defined by IC 31-34-21-7.

This Rule is drafted to conform with the requirements of the Program Instructions for the Court Improvement Program as published by the Administration for Children and Families, U.S Department of Health and Human Services, Log. No: ACYF-CB-PI-12-02.

### **G) Reporting of Decision Point Data in Juvenile Cases**

- (1) *Disproportionate Minority Contact (DMC)/Juvenile Decision Point Data Report.* Trial courts hearing juvenile delinquency cases shall electronically compile and report DMC data for all delinquency cases in their court. The IOJA shall draft and distribute procedures for and assist courts in the gathering and electronic submission of statistical data and reports.
- (2) *Reporting Periods.* The last day of the reporting period for quarterly reports shall be December 31, March 31, June 30 and September 30. Beginning in federal fiscal year (October 1, 2016 - September 30, 2017) the judge of a trial court subject to this rule shall cause the quarterly reports to be filed with the IOJA within ten (10) calendar days after the end of the reporting period in an electronic format as established by the IOJA.
- (3) *Information for Reports.* The judge of a trial court, subject to this rule, may require clerks, court reporters, probation officers, or any employee of the court to furnish information required to complete and prepare the reports.
- (4) *Judge's Confirmation of Reporting.* The Judge of a Court or Chief Judge of a unified Court system shall review all reports and confirm through a process established by the IOJA the completion and filing of all reports.

### **Rule 2. Reporting Fiscal Matters**

- (A) Preparation of Fiscal Reporting Forms.** The Division of State Court Administration (Division), pursuant to these rules and IC 33-24-6-3, shall draft forms to be used in the gathering of revenue, budget and expenditure data from the courts and shall submit the proposed forms to the Supreme Court for approval. The revenue report forms shall collect data on the revenues generated by the operation of the courts within the county, the categories for which monies were collected, the amounts collected in each category, and how the collected funds were distributed. The budget and expenditure forms shall collect data on the requested budgets of the courts and their offices for the upcoming calendar year, the approved budgets for the courts and their offices for the upcoming year, the actual expenditures of the court and their offices during the previous calendar year, specifying the categories for which funds were requested, approved and spent.

After the Supreme Court approves the forms the Division shall distribute the forms to all courts to be used in preparation of reports. All trial courts shall prepare, on forms approved under the provisions of this rule, fiscal reports on the receipt and expenditure of public money by and for the operation of the courts.

- (B) Report of Clerk on Revenues.** Within ten (10) days after the close of the calendar year, the Clerk of the Court shall report to the judge of the court, or chief judge of a unified court system, all information necessary for the completion of the revenue report form. In the case of a City or Town Court, if there is no clerk, the judge of a City or Town Court shall prepare such report.
- (C) Budget and Expenditure Report.** Within ten (10) days after the close of the calendar year, the judge of the court, or chief judge of a unified court system, or a judge's designee shall gather all information necessary for the completion of the budget and expenditure report including all county budget and expenditure information for indigent defense not included in a court budget.
- (D) Report of Judge.** The judge of the trial court or the chief judge of a unified court system shall cause the fiscal reports to be filed with the Division no later than twenty (20) days after the end of the calendar year for the reporting period in electronic format as established by the Division.
- (E) Judge's Confirmation of Reporting.** The judge of the court or the chief judge of a unified court system shall review all reports and confirm, through a process established by the Division, the completion and filing of all reports.

### **Rule 3. Administrative Districts**

- (A) The State of Indiana is hereby divided into twenty-six (26) administrative districts as follows:
- (1) District 1, consisting of Lake County;
  - (2) District 2, consisting of Porter, Newton, Jasper and Benton Counties;
  - (3) District 3, consisting of LaPorte, Starke and Pulaski Counties;
  - (4) District 4, consisting of St. Joseph County;
  - (5) District 5, consisting of Elkhart, Marshall and Kosciusko Counties;

- (6) District 6, consisting of LaGrange, Steuben, Noble, DeKalb and Whitley Counties;
  - (7) District 7, consisting of Allen County;
  - (8) District 8, consisting of Fulton, Miami, Cass and Howard Counties;
  - (9) District 9, consisting of Wabash, Huntington, Wells and Adams Counties;
  - (10) District 10, consisting of White, Carroll and Tippecanoe Counties;
  - (11) District 11, consisting of Warren, Fountain, Montgomery, Vermillion and Parke Counties;
  - (12) District 12, consisting of Clinton, Boone, Tipton and Hamilton Counties;
  - (13) District 13, consisting of Marion County;
  - (14) District 14, consisting of Grant and Madison Counties.;
  - (15) District 15, consisting of Blackford, Jay, Delaware, Randolph and Henry Counties;
  - (16) District 16, consisting of Hendricks and Morgan Counties;
  - (17) District 17, consisting of Hancock, Shelby and Johnson Counties;
  - (18) District 18, consisting of Wayne, Rush, Fayette, Union and Franklin Counties;
  - (19) District 19, consisting of Vigo, Clay, Putnam and Sullivan Counties;
  - (20) District 20, consisting of Owen, Greene, Monroe and Lawrence Counties;
  - (21) District 21, consisting of Brown, Bartholomew, Decatur, Jackson and Jennings Counties;
  - (22) District 22, consisting of Ripley, Dearborn, Ohio, Jefferson and Switzerland Counties;
  - (23) District 23, consisting of Scott, Clark and Floyd Counties;
  - (24) District 24, consisting of Orange, Washington, Crawford and Harrison Counties;
  - (25) District 25, consisting of Knox, Daviess, Martin, Pike, Dubois, Perry and Spencer Counties; and,
  - (26) District 26, consisting of Gibson, Posey, Vanderburgh and Warrick Counties.
- (B) The Board of Directors of the Judicial Conference of Indiana shall, by rule, establish a structure for the governance, management and administration of the judicial districts.

#### **Rule 4. Committees**

##### **(A) Records Management Committee.**

- (1) **Creation and Members.** There is hereby created a committee to be known as the Records Management Committee. The Records Management Committee shall consist of not more than twenty-eight (28) members representative of the agencies responsible for the management and maintenance of the records of the courts throughout the State of Indiana. The members of the Records Management Committee shall be appointed by the Supreme Court and shall serve at the pleasure of the Court. With the exception of the permanent members, each member shall serve a staggered term of three (3) years. A member may serve two (2) consecutive terms, plus any unexpired term of a previous member. A vacancy on the Commission shall be filled by the Supreme Court for the unexpired term of the departing member. Permanent members shall consist of a member of the Supreme Court, appointed by the Supreme Court, who shall serve as chair of the Committee; the State Public Defender; the Executive Director of the Prosecuting Attorneys Council; the Clerk of the Supreme Court, Court of Appeals, and Tax Court; the Director and Counsel for Trial Court Technology; and the Executive Director of the Indiana Office of Court Services. The remaining membership shall consist of eleven (11) trial court judges and judicial officers; three (3) members from the staff or administrative agencies of the Indiana Supreme Court and the Court of Appeals; three (3) circuit court clerks; three (3) court administrators; and two (2) practicing attorneys. The staff of the Indiana Office of Court Services shall assist the Committee in the performance of its duties. In making appointments to the Committee, the Supreme Court should seek to ensure that the members represent the geographic, ethnic, racial, and gender diversity of Indiana.
- (2) **Duties of the Committee.** The Records Management Committee shall conduct a continuous study of the practices, procedures, and systems for the maintenance, management and retention of court records employed by the courts and offices serving the courts of this State. Such study may include micrographics, imaging, copiers, fax machines, courtroom security and disaster prevention planning. The committee shall submit to the Supreme Court from time to time recommendations for the modernization, improvement and standardization of such practices, procedures and systems.

- (3) **Meetings and Compensation.** The Records Management Committee shall meet at the call of the chair. The Records Management Committee shall act by vote of a majority of the members present at a committee meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Records Management Committee.
- (4) **Suggestions for Improvement.** The Committee shall encourage suggestions from all interested parties and the public for the improvement of the records management system employed by the courts and court agencies. These recommendations should be submitted in writing to the Division of State Court Administration.

**(C) Indiana Supreme Court Commission on Race and Gender Fairness.**

- (1) **Creation and Members.** There is hereby created a commission to be known as the Indiana Supreme Court Commission on Race and Gender Fairness. The commission shall consist of not less than ten (10) and not more than twenty-five (25) members representative of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, law enforcement, and corrections. The members of the commission shall be appointed by the Supreme Court and shall serve for a period of five (5) years each at the pleasure of the Supreme Court. The Supreme Court shall appoint a chair of the commission. A member of the commission shall serve as secretary. The Executive Director and staff of the Division of State Court Administration shall assist the commission in performance of its duties.
- (2) **Duties of the Commission.** The Indiana Supreme Court Commission on Race and Gender Fairness shall study the status of race and gender fairness in Indiana's justice system and shall investigate ways to improve race and gender fairness in the courts, legal system, among legal service providers, state and local government, and among public organizations. The Commission shall from time to time recommend to the Supreme Court the implementation of policies and procedures which promote race and gender fairness in the courts, among legal service providers in state and local government and by public organizations.
- (3) **Meetings and Compensation.** The commission shall meet at the call of the chair. The commission shall act by vote of a majority of the members present at a commission meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Commission.

**(D) [RESERVED]**

**(E) Indiana Supreme Court Advisory Commission on Guardian ad Litem ("GAL")/Court Appointed Special Advocate ("CASA")**

- (1) **Creation, Members and Staff Support.** There is hereby created a commission to be known as the Indiana Supreme Court Advisory Commission on GAL/CASA. The Commission shall consist of eighteen (18) members representative of the Indiana judiciary and directors of certified, volunteer based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, West) and two at-large members of the judiciary. The Indiana Supreme Court shall appoint the members. The term of each member and the chair shall be three (3) years. The terms of the program directors shall be staggered so that one representative is appointed from each region every year. The terms of the judicial representatives shall also be staggered so that two judicial representatives are appointed each year. All members shall serve at the pleasure of the Supreme Court. The Commission members shall elect a Chair, Vice-Chair and other officers at the first meeting of the year. The Executive Director of the Division of State Court Administration, the Division's GAL/CASA Director and Division staff shall assist the Commission in the performance of its duties. The Division GAL/CASA Director shall serve as ex-officio member of the Commission.
- (2) **Duties of the Commission.** The Indiana Supreme Court Advisory Commission on GAL/CASA shall conduct a continuous study of the GAL/CASA services in Indiana and shall provide support and guidance to the Indiana Supreme Court on how best to provide GAL/CASA services. The Commission's charge includes but is not limited to providing a long-range strategy for promoting, expanding and training child advocacy GAL/CASA programs. The Commission shall from time to time review the GAL/CASA Program Standards and Code of Ethics and make recommendations to the Supreme Court for their improvement.
- (3) **Meetings and Compensation.** The Commission shall meet at least quarterly and at such other times as called by the chair. The Commission shall act by a vote of a majority. For voting purposes, a simple majority of a nine-member quorum is required. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation, as the Supreme Court shall fix

from time to time. All members shall receive mileage and reimbursement for reasonable expenses for the performance of any duty incidental to service on the Commission.

#### **Rule 5. Payment and Notification Procedures**

**(A) Special Judge Fees.** The Division of State Court Administration shall administer the payment procedure for special judge fees in accordance with this provision.

- (1) *Entitlement.* As provided in Trial Rule 79(P), all persons other than a full-time judge, magistrate, or other employee of the judiciary who serve as special judge are entitled to a fee of twenty-five dollars (\$25.00) per day for each jurisdiction served for the entry of judgments and orders and hearings incidental to such entries. Persons residing outside the county where service is rendered shall be entitled to mileage and reimbursement paid in accordance with standards set for other public officials of the State. Senior Judges who serve as special judges shall be paid in accordance with a schedule published by the Executive Director of State Court Administration. Senior Judges are not entitled to compensation for special judge service when the service is performed on the same day he or she serves as a senior judge.
- (2) *Procedure for Payment.* A special judge shall file his or her claim for compensation with the Division of State Court Administration on forms provided by such agency as prescribed by the State Board of Accounts. Any claim for services as special judge shall encompass a specified period of time and shall include all such services rendered during such period of time. The Division of State Court Administration shall present the claim form to the Auditor of the State for payment.
- (3) *Timely Filing of Claims.* Claims for compensation shall be filed by the special judge no later than ninety (90) days from the date of service.

**(B) Senior Judges.** The Indiana Office of Judicial Administration (IOJA) shall administer the use and payment of senior judges in accordance with the provisions set forth in this rule.

- (1) *Appointment.* The Supreme Court may appoint all senior judges currently certified by the Judicial Nominating Commission to serve the Court of Appeals, the Tax Court, a circuit, superior, or probate court. The Supreme Court shall fix the term or period of time for the senior judge appointment, and may prescribe the duties to be performed by the senior judge.
- (2) *Number of Senior Judge Days for Requesting Court.* Each year, the Supreme Court shall fix, based upon the recommendation of the Chief Administrative Officer of the IOJA, who shall use the Indiana Weighted Caseload Measures System, the annual statistical reports, and other relevant criteria, the number of senior judge days that each court may use. Every court authorized in this rule to use senior judges will be entitled to a minimum of ten (10) days of senior judge service during the year of appointment. If a senior judge serves as a Mediator under Rule 5(B)(9) or as an Attorney Surrogate under Rule 5(B)(10), those days of service shall not count as service days against the appointing court's allotment under this rule.
- (3) *Qualification for Senior Judge Status.* A person who is certified by the Indiana Judicial Nominating Commission may serve as senior judge. Each year the Indiana Judicial Nominating Commission shall certify to the Supreme Court that a person who is certified:
  - (a) (i) has served in their judicial capacity for at least four (4) years and (ii) at least one of those years was within five (5) years of the application or, in the event the four years of service was more than five (5) years prior to the application, has served at least thirty (30) days as a senior judge during a calendar year within five (5) years of the application; except that the Indiana Judicial Nominating Commission may, upon the finding of exceptional circumstances, waive the foregoing criteria and certify a senior judge with less service than specified above;
  - (b) agrees to serve as a senior judge for at least thirty (30) days in the year of appointment and has not in any previous year of service failed to serve for at least thirty (30) days without good cause as determined by the Indiana Judicial Nominating Commission.
  - (c) agrees to comply with the Code of Judicial Conduct; further agrees to not serve as an elected official or employee of a governmental entity or subdivision except with Supreme Court permission;
  - (d) agrees to serve where assigned; and that the service shall be substantially equivalent to the daily calendar of the court to which the senior judge is assigned;
  - (e) agrees to continue to serve in all special judge cases in which the person who is certified was serving as a special judge at the time the person left office, but will receive senior judge credit for such service; provided however, if the circumstances that led to the person who is certified being appointed as a special judge no longer exist, and no other disqualification exists, then the case may be returned to the regular judge of the court where the case is pending.
  - (f) agrees,

- (i) in the case of a senior judge appointed or assigned to serve a trial court, not to represent any client in any case before a court in which the senior judge is appointed or assigned as senior judge and to disclose to the parties coming before him in his capacity as a senior judge whenever, within the previous one (1) year, he has served as an ADR neutral for: 1) a lawyer or lawyer's firm of a party to the case, or 2) a party currently before the court. Following the disclosure, unless all parties agree on the record that the senior judge may hear the case, the senior judge must recuse; and,
  - (ii) in the case of a senior judge appointed or assigned to serve an appellate court, (1) not to represent any client in any case before an Indiana appellate court, (2) not to serve as an ADR neutral in any case in which he or she participated as a judicial officer, (3) not to serve as a judicial officer in any case in which he or she participated as an ADR neutral, and (4) not to represent any client in any case before a tribunal whose decisions are subject to review by an Indiana appellate court.
- (g) is fit to serve as a senior judge.
- (4) **Jurisdiction.** A presiding judge wishing to use a senior judge shall issue an order naming the senior judge who will serve the court. The order shall specify the day(s) the senior judge is to serve the court and whether the service is limited to the regular business hours of the court or is for the full twenty-four (24) hours. The senior judge shall provide to the presiding judge, and the presiding judge shall attach to the order, a verified written statement from the senior judge that the senior judge does not practice law in the court. The order shall be filed in the Record of Judgments and Orders of the court and a copy sent to the Division of State Court Administration. A senior judge shall have the same jurisdiction as the presiding judge of the court where the senior judge is serving, but only during the time specified in the order naming the senior judge to serve the court. A senior judge who has been certified by the Judicial Nominating Commission shall have jurisdiction at any time during the certification to officiate at marriages and administer oaths. A senior judge retains jurisdiction in an individual case on the order of the presiding judge of the court in which the case is pending;
  - (5) **Oath of Office.** Upon initial certification as a senior judge, the senior judge shall take an oath of office and shall file it with the Clerk of the Indiana Supreme Court.
  - (6) **Per Diem Allowance.** As provided by statute, a senior judge is entitled to senior judge service credit and a per diem allowance of one hundred dollars (\$100.00) per day for the first thirty (30) days of service in a calendar year. Pursuant to statute, the Indiana Supreme Court may adjust the per diem rate and increase it to not more than two hundred fifty dollars (\$250.00) for each day of service after the first thirty (30) days. A senior judge shall report only the portion of the day served for payment and credit. However, in exceptional circumstances, upon joint application to the Supreme Court by a senior judge and the judge of the trial court, the Supreme Court, in its discretion, may grant additional senior judge credit to the senior judge and additional senior judge service time to the trial court. A senior judge residing outside of the county where service is rendered is entitled to reimbursement for mileage at a rate equal to other public officials as established by state law and reasonable expenses incurred in performing the duties of senior judge for each day served, all as provided by state travel guidelines. A senior judge may not be compensated as such for more than one hundred (100) calendar days in the aggregate during any one calendar year.
  - (7) **Procedure for Payment.** A senior judge shall file a claim for compensation with the IOJA on forms provided by such agency as prescribed by the State Board of Accounts. The IOJA shall promptly present the claim to the Auditor of State for payment. Claims for compensation shall be filed no later than thirty (30) days from the date of service.
  - (8) **Qualification for Benefits.** As provided by statute, a senior judge who is appointed by the Supreme Court to serve for a period equal to or greater than thirty (30) working days is a state employee for purposes for state insurance benefits. A senior judge becomes eligible for state insurance upon appointment. In the event a senior judge fails to serve at least thirty (30) days during any year of appointment, that senior judge's eligibility to state insurance benefits based on senior judge service shall cease and terminate at the end of that year. A senior judge whose eligibility to state insurance benefits has terminated under this subsection may become eligible again if the judge is certified by the Judicial Nominating Commission pursuant to Section (B)(3) of this Rule and is appointed to serve in a court, but only after serving as a senior judge a minimum of thirty (30) days during the year of appointment. A senior judge who waives per diem pay is entitled to receive senior judge service credit and to state insurance benefits for service that substantially complies with the appointment of the Supreme Court. As used in this rule, term "state insurance benefits" includes group health, life, dental, and vision insurance benefits and other benefits offered by the State of Indiana to its elected officials from time to time.
  - (9) **Senior Judge Serving as Mediator.** A senior judge who is also a registered mediator and serves as a mediator in court-ordered mediation pursuant to IC 33-23-3-3, or on a pro bono basis, may receive senior judge service



credit for said mediation service provided that the senior judge is not compensated at a rate greater than the per diem rate for senior judges.

- (10) *Senior Judge Serving as an Attorney Surrogate.* A senior judge who is appointed and serves as an Attorney Surrogate under Admission and Discipline Rule 23 § 27 may receive senior judge credit and compensation at the per diem rate for senior judges so long as the senior judge is not being compensated for the services under Admission and Discipline Rule 23 § 27(g). The senior judge shall make the election to receive senior judge credit and compensation within sixty days of the appointment as Attorney Surrogate by filing a notice with the appointing court.

**(C) Notice of Commencement or Termination of Term in Office and Employment.**

- (1) *Notice by Judges.* Each elected or appointed circuit, superior, county, probate, city, town or small claims court judge shall give notice to the Indiana Supreme Court Division of State Court Administration of:
- (a) the commencement and termination of the judge's term of office;
  - (b) the employment or termination of any magistrate, referee, commissioner, hearing officer, or other appointed judicial officer, whether such judicial officer is paid by the State of Indiana or by another entity. This notice must designate the position as full or part time, state the number of hours per week that the position requires and identify all court(s) in which such appointed judicial officer shall serve.
- (2) *Notice by Prosecuting Attorneys.* Each elected or appointed prosecuting attorney shall give notice to the Indiana Supreme Court Division of State Court Administration of:
- (a) the commencement and termination of the prosecuting attorney's term of office and, pursuant to statute, whether the position will be full or part time;
  - (b) the employment or termination of a deputy prosecuting attorney whose salary is paid by the State of Indiana and, pursuant to statute, whether the position will be full or part time.
- (3) *Content and Time of Notice.* The notice must be given at least two (2) weeks in advance of the beginning or termination of the term in office or employment on forms designed by the Division of State Court Administration.



[Schedule for Payment For Senior Judges Who Serve as Special Judges And Senior Judges Who Serve as Mediators](#)

**Rule 6. Court Case Records Media Storage Standards**

**(A) Application of Standards.** All courts and clerks of court in the State of Indiana shall meet the standards set forth under this rule regarding the use of: (1) microfilm for the preservation of any record of a court or a court agency; (2) digital imaging technology for the storage and preservation of any record of a court or of a court agency; (3) hybrid systems producing both digital images and microfilm; and, (4) any related system created by advances in technology for the preservation of any record of a court or of a court agency. These standards shall apply to all records, regardless of medium, kept by courts, their clerks, and court agencies, including the methods used to reproduce or create records electronically and to the methods, systems, and formats used to store, archive, and reproduce records electronically for the purpose of maintenance and preservation of records. Only those records or record series which have been approved for microfilming under Administrative Rule 7 shall be eligible for microfilming.

**(B) Definitions. The following definitions shall apply to this Administrative Rule 6:**

- (1) “*Archival*,” as this term applies to records maintained in electronic form, means that point at which a document is no longer subject to modification and is maintained to ensure reasonably its preservation according to the appropriate record retention schedule as found in Administrative Rule 7.
- (2) “*Clerk*” means the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, the Clerk of a Circuit, Superior, Probate, or County Court, the Clerk of a City or Town Court, and the Clerk of a Marion County Small Claims Court, including staff.
- (3) “*Court*” means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, City, Town, or Small Claims Courts.
- (4) “*Court Agency*” means a section, division, or department performing duties for the Court or Clerk and which has been created by statute or court rule or works at the direction of the court or clerk of court.
- (5) “*Court Case Record*” has the same meaning as “Case Record” that is defined in Administrative Rule 9(C)(2).
- (6) “*Digital Image*” means an electronic file consisting of digital data, which, when reconstructed on a display screen, a hard copy print, or on microfilm, appears as the original document.

- (7) “*Digital Imaging*” means the process by which a document or photograph is scanned by a computer and converted from analog format to a computer-readable digital format.
- (8) “*Digital Duplicate*” means any copy of digital images used for reference or communication.
- (9) “*Digital Imaging File Format*” means the program used to store Digital Masters of Digital Images.
- (10) “*Digital Master*” means the record copy of an electronic record transferred directly from a computer onto an electronic storage medium.
- (11) “*Digital Media*” refers to the physical method for storing digital records and images. There are two types: magnetic and optical. Examples of the former are magnetic disks, tape, and Digital Audio Tape (DAT). Examples of optical media include Compact Disk (C-D, CD-ROM), Write- Once, Read-Many (WORM) disk, Erasable Optical Disk (EO), and Digital Versatile Disk (DVD).
- (12) “*Division*” means the Division of State Court Administration.
- (13) “*DPI*” means dots per inch and is used as a measure of the number of dots recorded in either a vertical or horizontal plane for each inch. It is used to measure scanning resolution.
- (14) “*Hybrid Imaging System*” means a system that produces both micrographic and digital images, either simultaneously or one from the other.
- (15) “*Image Enhancement*” means the process of manipulating a scanned image with software, to lighten or darken the image, to increase sharpness, alter contrast, or to filter out data elements appearing on the document.
- (16) “*Index*” means descriptive locator information attached to a digital image that enables a requestor to identify the file and retrieve it from the electronic storage medium.
- (17) “*In electronic Form*” means any information in a court record in a form that is readable through the use of an electronic device, regardless of the manner in which it was created.
- (18) “*ISO*” means International Standards Organization.
- (19) “*Metadata*” means a standardized structure format and control vocabulary which allows for the precise description of record content, location, and value.
- (20) “*Microfilm*” means a photographic film containing an image greatly reduced in size from the original, or the process of generating microphotographs on film.
- (21) “*Microform*” means any form, usually film, which contains microphotographs.
- (22) “*Migration*” means the process of upgrading electronic systems to new technologies while preserving accessibility to existing records. It includes transferring one electronic data format to another when a new computer or data management system is incompatible with its existing system. It also means the process of moving electronic data from one storage device or medium to another.
- (23) “*Noise*” means background discoloration of paper and stains on paper caused by aging, handling, and accidental spilling of fluids.
- (24) “*Open System Standard*” means a published and commonly available interface specification that describes services provided by a software product. Such specifications are available to anyone and have evolved through consensus and are open to the entire industry.
- (25) “*Record Series*” means a group of related documents, either as to form or content, which are arranged under a single filing system; are kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity; or which have certain similar physical characteristics such as computer magnetic tapes or disks, or as microforms.
- (26) “*Record Retention Schedules*” means a series of documents governing, on a continuing basis, the retention and disposal of records of a Court, Clerk, or Court Agency.
- (27) “*Refreshing*” means the copying of an image or of a whole storage medium for the purpose of preserving or enhancing the quality of a digital image.
- (28) “*Reproduction*” means the process of making an exact copy from an existing document in the same or a different medium.
- (29) “*Scanning Resolution*” means the quality of a digital image resulting from its initial scanning. It is represented in the number of dots per inch (“dpi”), used to represent the image.
- (30) “*Specifications*” means a set of requirements to be satisfied, and whenever appropriate, the procedure by which it may be determined whether the given requirements are satisfied.

- (31) “*Standard*” means a uniformly accepted set of specifications for a predefined norm. “ANSI/AIIM” means the American National Standards Institute and the Association for Information and Imaging Management. “CCITT” means the Consultative Committee on International Telegraphy and Telephony. Specific standards appear both by number and by name.
- (32) “*Target*” means any document or chart containing identification information, coding or test criteria used in conjunction with microfilming. A target is an aid to technical or bibliographical control, which is photographed on the film preceding or following a document or series of documents.
- (33) *Thresholding* refers to the level at which data elements are removed from the scanned document. During thresholding, individual pixels in an image are marked as object pixels if their value is greater than some threshold value and as background pixels otherwise. Thresholding is used in eliminating background discoloration of paper and stains on paper caused by aging, handling, and accidental spilling of fluids.
- (34) “*WORM*” means Write-Once, Read-Many.

**(C) Official Case Record.**

- (1) A microfilm record produced and documented in accordance with the provisions of this rule, or a duplicate copy of such microform kept by the court, is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.
- (2) A document generated from a digital image produced in accordance with the provisions of this rule is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.

**(D) Microfilm Specifications.** Specifications for microfilm equipment, film, and photographic chemicals must meet appropriate standards referenced in section (G) of this rule. However, before a court, clerk, or court agency shall install such a system to create an official record, systems specifications must be forwarded to the Division, in writing, to determine compliance with Trial Rule 77(J).

**(E) Digital Imaging Specifications.** Specifications for digital imaging systems must meet appropriate standards referenced in section (H) of this rule. However, before a court, clerk, or court agency shall install such a system to create an official record, systems specifications must be forwarded to the Division, in writing, to determine compliance with Trial Rule 77(J).

**(F) General Standards.**

- (1) Courts, Clerks and Court Agencies shall ensure that records generated by, or received by, the courts are preserved in accordance with the applicable record retention schedules in Administrative Rule 7.
- (2) Records required to be placed in the Record of Judgments and Orders (RJO) as paper or in electronic format, and records with a retention schedule of fifteen (15) years or more, are classified as permanent. Such records must be scanned using a dpi as specified in Administrative Rule 6(H)(2)(a)(ii).
- (3) Microform and Digital Media used for the storage of court records shall be inspected at least annually to verify that no deterioration has occurred, incorporating the appropriate ANSI/AIIM standard for microfilm or for digital data deterioration in accordance with Administrative Rule 6(H)(3)(i). Such inspection results shall be forwarded to the Division, on a form available from the Division.

**(G) Microfilm Standards.**

- (1) *Documentation.* A formal written documentation file shall be created by the Clerk or the appropriate public agency and retained for the microfilm process, incorporating the following:
  - (a) That every stage of the microfilm process is covered by a written procedure and kept in the documentation file including:
    - (i) Authority to microfilm specific records;
    - (ii) A preparation guide concerning the arrangement of the originals on microfilm;
    - (iii) Any policy to select which filed documents will be placed on microfilm;
    - (iv) Any contracts with in-house record custodians or agents of vendors who will perform the actual microfilming (either in-house or through a vendor);
    - (v) Maintenance of the “Certificate of Destruction” form and approval correspondence from the Division.
  - (b) The reproduction processes employed to assure accuracy.
  - (c) Verification of each microfilm image against the original for completeness and legibility. The verification process shall be part of the certification procedure submitted to the Division.

- (d) The justification for the microfilming of originals (i.e., space reduction, security) and the written process for the destruction of originals as authorized by an approved retention schedule.
- (e) The identity of supervisors of the microfilming procedures who are capable of giving evidence of these procedures.
- (f) The retention schedule from Administrative Rule 7 for the documentation matching the expected longevity of the microform.
- (g) Certification of compliance with this documentation procedure to the Division.

(2) *Legibility.*

- (a) If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.
- (b) Resolution. A microform system for source documents shall be tested for resolution capability under procedures set forth in the appropriate section of ANSI/AIIM MS23-2004, both upon installation of the system and at the beginning and end of each roll of microfilm, by use of a camera test chart, such as the "Rotary Camera Test Chart," ANSI/AIIM MS 17-2001; "The Planetary Camera Test Chart," ANSI/ISO Test Chart No. 2, arranged one in each of the four corners of the image area and one in the center; or any equivalent chart incorporating the appropriate camera test charts. Where camera-generated roll microfilm is not used, a microform of the appropriate camera test chart must be generated weekly. Micrographic systems used for court records must meet the following standards for resolution:
  - (i) A micrographic system for source documents must produce a quality index level of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents*. ANSI/AIIM MS23-2004, In applying this standard, a lower-case letter "e" height of 1.4 millimeters or less must be used;
  - (ii) All pattern groups on the camera test chart must be read. The smallest line pattern (highest numerical designation) in which both horizontal and vertical line direction is clearly discernible is the resolving power of that pattern group. The lowest numerical resolving power of all the pattern groups on the camera test chart is the resolving power of the micrographic system;
  - (iii) The film used in reading the camera test chart must be processed to the density standard of Administrative Rule 6(G)(2)(c)(i);
  - (iv) A computer-output microfilm system must produce quality index of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer-Output Microforms*. ANSI/AIIM MS1-1996.
  - (v) Conversion of archival data stored on a Digital Master [(H) (1) (g)], may occur at a quality index level of 4.0, upon written pre-approval from the Division.
- (c) Density. Microfilm systems used for court records must meet the following density standards:
  - (i) The background ISO standard visual diffuse transmission density on microforms shall be appropriate to the type of documents being filmed. The procedure for density measurement is described in ANSI/AIIM MS23-2004 and the densitometer shall be in accordance with ANSI/NAPM 18-1996, for spectral conditions and ANSI/NAPM IT2.19-1994, for geometric conditions for transmission density. Recommended visual diffuse transmission background densities for images of documents are as follows:

<b>Class</b>	<b>Description of documents</b>	<b>Background Density</b>
Group 1....	High-quality, high-contrast printed books, periodicals, and black typing	1.3-1.5
Group 2....	Fine-line originals, black opaque pencil writing, and documents with small high-contrast printing.	1.15-1.4

Group 3....	Pencil and ink drawings, faded printing, and very small printing such as footnotes at the bottom of a printed page.	1.0-1.2
Group 4....	Low-contrast manuscripts and drawing, graph paper with pale, fine-colored lines; letters typed with worn ribbon; and poorly printed, faint documents.	0.8-1.0

- (ii) Background density in first-generation computer-output microfilm must meet ANSI/AIIM MS1-1996.
  - (iii) Base Plus Fog Density of Films. The base plus fog density of unexposed, processed films should not exceed 0.10. When a tinted base film is used, the density will be increased. The difference must be added to the values given in the tables in Administrative Rule 6(G) (2)(c)(i).
  - (iv) Line or Stroke Width. Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density. Therefore, as the reduction ratio of a given system is increased, the background density shall be reduced as needed to ensure that the copies produced will contain legible characters.
- (d) Reduction Ratio. Microfilm systems used for court records shall meet the following reduction ratio standards:
- (i) A reduction ratio for microfilm of documents of 25 to 1 or 24 to 1 or less is required;
  - (ii) A reduction ratio for microfilm of documents of greater than 25 to 1 may be used only if the micrographics system can maintain the required quality index at the higher reduction;
  - (iii) Computer-output microfilm must be at a reduction ratio ranging from 48 to 1 to 24 to 1.

(3) *Permanency.* For records requiring retention of over fifteen years based on an approved retention schedule under Administrative Rule 7, the following standards shall apply:

- (a) Raw stock microfilm shall be of safety-based permanent record film meeting specification of ANSI/NAPM IT9.6-1991 (R 1966).
- (b) The camera generated master negative microfilm shall be silver-halide silver gelatin, meeting the permanency requirements of ANSI/NAPM IT9.1-1996. Microforms shall be processed in accordance with ANSI/NAPM IT 9.1-1996 and in accordance with processing procedures in ANSI/ AIIM MS196 and ANSI/AIIM MS23-2004.
- (c) The master microfilm record meeting the above standards shall be stored at a site other than the producing Clerk, Court, or Court Agency's structure, in a fireproof vault, meeting ISO 18911:2010.
- (d) In addition to the master microfilm record, which is a security copy, the Clerk, Court, or Court Agency may provide working copies of the microfilm. These may be on silver, diazo, vesicular, dry silver, or transparent electro-photograph film on a safety base of cellulose ester or polyester material.

**(H) Digital Imaging Standards.**

(1) *Documentation.* A formal written documentation file shall be created by the Clerk or the appropriate public agency and retained for the life of the information stored on the digital medium based upon an approved record retention schedule documenting the following:

- (a) that every stage of the digital imaging process is covered by a written procedure and kept in the documentation file, including:
  - (i) authority to implement digital imaging technology.
  - (ii) any selection policy to determine what documents from any file will be imaged. The indexing process shall also identify documents which are subject to approved criteria for purging prior to conversion to a permanent storage medium, and
  - (iii) any contracts with agents of record custodians who will perform the actual digital imaging process;
  - (iv) the metadata for each digital record.
- (b) the imaging process employed to assure accuracy;

- (c) verification of the image on a computer screen against the original for completeness and legibility;
  - (d) definition of the indexing system employed with storage in multiple places on the optical disk for security and integrity;
  - (e) the identity of supervisors of the digital imaging procedures who are capable of giving evidence of these procedures; and
  - (f) written certification of compliance with this documentation procedure to the Division.
  - (g) Archival data stored on a digital master shall be converted to microfilm. Retention schedules will be applied to all documents prior to conversion to microfilm. This excludes the scanning system implemented by the Division of State Court Administration as follows:
    - (i) Archived data is maintained on systems that allow upgrade without degradation or loss of data.
    - (ii) Archived data is geo-redundantly stored for disaster recovery purposes.
    - (iii) Archived data is in a file format that can be read by generally available computer systems without proprietary software.
- (2) *Legibility.* The following standards on legibility apply for digital imaging. If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.
- (a) Scanner input shall:
    - (i) Scan office documents at a density of at least 200 dpi.
    - (ii) Scan records deemed permanent according to the retention schedule and as required for placement in the Record of Judgments and Orders, at a minimum of 300 dpi; and
    - (iii) Use a higher scanning resolution, as needed, for poor contrast documents, those containing faded text and those containing fine handwriting or lines, based upon a verification test that includes hard copy reproduction from such scanned documents at various densities, and
    - (iv) Scanning quality must adhere to the standards presented in *Recommended Practices for Quality Control of Image Scanners* ANSI/AIIM MS44-1988 (R1993), incorporating scanner resolution target X441 or X443, depending upon the application.
  - (b) Image enhancement is permissible for lightening or darkening a digital image, improving sharpness or contrast, but applying threshold software to eliminate noise requires prior approval of the Division.
- (3) *Permanency.* The following standards on permanency shall apply for digital imaging: Storage and quality control standards apply only to Digital Masters and not to digital duplicates.
- (a) Digital imaging systems will be built from hardware and software components that are nonproprietary and are based upon open systems architecture.
  - (b) Digital imaging systems will use the Digital Imaging File Format known as TIFF Group 4 digital imaging file format meeting ISO Standard 12639:2004, (or as updated or superseded.) Portable Document Format (PDF), or Portable Document Format for Archive (PDF/A)
  - (c) (Deleted eff. July 1, 2015)
  - (d) System upgrades will provide backward compatibility to existing system or digital data will be converted to the upgrade at the time of such upgrade.
  - (e) The digital master will employ WORM technology as the digital medium.
  - (f) If a CD-ROM is used as a storage medium, it must comply with ISO 9660-1988, *Volume and File Structure of CD-ROM for Information Interchange*. CD-ROM, EO, and DVD media shall not be used for storage of the digital master but may be used for digital duplicates.
  - (g) Digital media will have a pre-write shelf life of at least five years and post-write life of twenty years based upon accelerated aging test results that reports on specific disk areas.
  - (h) The digital master shall be stored in a dust-free, temperature and humidity-controlled environment, meeting ANSI/AIIM TR25-1995, *Use of Optical Disks for Public Records*.
  - (i) The digital media shall be monitored for deterioration using ANSI/AIIM MS59-1996 *Media Error Monitoring and Reporting Techniques for Verification of Stored Data on Optical Digital Data Disks*, and duplicating data to a new or replacement medium when data deterioration reaches the point of loss as described in this standard.

- (j) The scanning system implemented by the Division of State Court Administration is excluded from standard digital media and digital master standards so long as:
  - (i) Archived data is maintained on systems that allow upgrade without degradation or loss of data.
  - (ii) Archived data is geo-redundantly stored for disaster recovery purposes.
  - (iii) Archived data is in a file format that can be read by generally available computer systems without proprietary software.

**(I) Hybrid Systems.** That portion of a hybrid system producing microforms will be governed by Section (G) of this rule; that portion of a hybrid system producing digital images will be governed by Section (H) of this rule.

**(J) Access.** Access to a court record created or stored in either or both a microfilm or digital format will be governed according to Administrative Rule 9.

**(K) Disposal of Records.** Court records which have been preserved in accordance with the standards set out in this rule may be destroyed or otherwise disposed but only after the court or its clerk files a "Destruction Certificate" with the Division certifying that the records have been microfilmed or digitized in accordance with the standards set out in this rule, and the Division issues a written authorization for the destruction of such records. The Division shall make available a form "Destruction Certificate" for this purpose. It is not necessary for a clerk or court to file a "Destruction Certificate" when a clerk or court converts a conventionally filed document into an electronic record as required by Trial Rule 86(F).

## **Rule 7. Judicial Retention Schedules**

### **I. GENERAL**

#### **A. Authority to Dispose of Records.**

Clerks of Circuit Court, Judges and other court officers shall dispose of records in the manner set out in this Rule and in accordance with the retention schedules specified herein. The retention schedules set out in this Rule should be presented to the appropriate county records commission, one time only for informational purposes, before disposal of the records. Prior to disposal of judicial records not listed on this schedule, or if special circumstances necessitate the retention or disposal of judicial records in a manner not set forth in this Rule, a circuit court clerk, judge or other officer of the court must seek written authorization from the Division of State Court Administration to maintain or destroy such records.

#### **B. Authorized Formats of Permanent Records.**

Records required to be maintained permanently under this Rule may be maintained in their original format, on microfilm, or in electronic format. The record keeping formats plus the quality and permanency requirements employed for permanent records shall be approved by the Division of State Court Administration to ensure compliance with this Rule, Administrative Rule 6, and Trial Rule 77.

- (1) **Microfilmed Records.** Records which may be microfilmed under this Rule must be microfilmed in accordance with the provisions of Administrative Rule 6. The retention schedules will identify which records are authorized to be microfilmed and may provide other specifications such as a time period to maintain a record in its original format before microfilming is permitted.

Microfilming other records is not authorized because the cost of microfilming exceeds the costs of storage for the duration of the retention period. If special circumstances arise, a circuit court clerk, judge, or other officer of the court may seek written authorization from the Division of State Court Administration to microfilm records other than those herein authorized.

- (2) **Records in Electronic Form.** Records which may be maintained electronically under this Rule must be stored and preserved in accordance with the provisions of Administrative Rule 6. Records maintained electronically must be kept so that a hard copy can be generated at any time.

**C. Records Authorized for Transfer.** Records deemed permanent or authorized for transfer to the Indiana State Archives. Indiana Archives and Records Administration, must follow the Archive's written procedures and use its approved forms before transfer can occur. With the written approval of the Indiana Supreme Court, records authorized for transfer to the Archives Division of the Indiana Archives and Records Administration may be deposited by said Archive with a local repository, such as a historical society, library, archives, or university, as designated by the Archive and meeting the archival standards of the Archive.

#### **D. Retention Schedules.**

These retention schedules are based upon assumptions that because certain records exist, others may be destroyed. Due to fire disasters, or other causes, this may not be true for all Indiana counties. Therefore, the first step is to

conduct an inventory to determine if records requiring permanent retention or transfer do indeed exist before destroying records by series whose authority for destruction is based on the fact that other records exist.

The list of retention schedules is arbitrarily arranged by type of jurisdiction and not by court, since jurisdictions overlap from court to court with original, concurrent and exclusive jurisdictions. Different courts in different counties can exercise the same jurisdiction. The date of 1790 means that the record potentially could date from the formation of the county.

The format includes a number, as 85-4.3-04, which gives the year of the schedules (1985), the jurisdiction (4.3, or family law/adoptions) and the record series item (04). As new record series are added, additional numbers will be assigned. If a series is amended, it will be followed by an "R" for "revised." The jurisdictions, which can be the same for a number of courts, are classified as:

- 85-1 CIVIL
  - 85-1.1 Civil
  - 85-1.2 Chancery
  - 85-1.3 Lis Pendens Series
  - 85-1.4 Partitions
  - 85-1.5 Dissolution of Marriage
- 85-2 CRIMINAL
- 85-3 ESTATES
  - 85-3.1 Wills
  - 85-3.2 Estates
  - 85-3.3 Guardianships
  - 85-3.4 Trusts
- 85-4 FAMILY LAW
  - 85-4.1 Juvenile
  - 85-4.2 Paternity
  - 85-4.3 Adoption
  - 85-4.4 Birth Certificate Record
- 85-5 COUNTY COURT/MUNICIPAL COURT/SMALL CLAIMS
  - Small Claims
  - Misdemeanors
  - Traffic Infractions
  - Plenary Civil
  - City Civil Jurisdiction
- 85-6 NATURALIZATION
- 85-7 CONCILIATION
- 85-8 SPECIAL JUDICIAL FUNCTIONS
  - 85-8.1 Insanity/Mental Health
  - 85-8.2 Epileptic Hearings
  - 85-8.3 Feeble-Minded Hearings
  - 85-8.4 Riley Hospital Hearings
  - 85-8.5 Children Ordered to Public Hospitals
  - 85-8.6 IU Medical Center Hearings
  - 85-8.7 Receiverships
  - 85-8.8 Drainage
- 87-9 GENERAL SCHEDULES

## **II. PROCEDURE**

It is critically important that these schedules be carried out exactly as approved since this is your legal authority to do so, and only for the records so listed. Once a record is destroyed, its information is lost. Do not assume that the record under



consideration is the record actually authorized for destruction. You must compare both the title and content before a record series can be destroyed. Work in a spirit of caution. If in doubt, save until you can get advice from the Division of State Court Administration or the Indiana Archives and Records Administration.

[Search Online Database of Retention Schedules](#)

<b>CIVIL (1)</b>			
85-1.1-01R	Entry Docket	1790-c. 1913	maintain permanently meeting the standards of Admin. R. 6.
85-1.1-02	Issue Docket	1790-c. 1913	destroy.
85-1.1-03R	Entry, Issue Docket & Fee Book (Civil Docket, 1970 +)	c. 1913-1990	maintain permanently (may microfilm after 20 years).
85-1.1-04	Change of Venue Record	c. 1873 +	maintain permanently (may microfilm after 20 years and destroy original).
85-1.1-05	Judge's/Bench/Court Docket	1790-c. 1918	destroy.
85-1.1-06	Clerk's Docket Day Book/Scratch Book	1790-c. 1918	destroy.
85-1.1-07	Sheriff's Docket (rare)	1790-c. 1918	destroy.
85-1.1-08	Bar Docket (cases arranged by attorney; not Entry Docket)	1790- +	destroy.
85-1.1-09	Summons Docket (rare)	c. 1790- +	destroy 6 years after date of last entry.
85-1.1-10	Sheriff's Summons Docket (rare)	c. 1790- +	destroy 6 years after date of last entry.
85-1.1-11	Witness Docket/Witness Affidavit Docket	c. 1860's- +	destroy 3 years after date of last entry and audit by State Board of Accounts.
85-1.1-12	Stamp Tax Docket	c. 1933-1965	destroy.
85-1.1-13	Bond Register (bonds filed in civil actions)	c. 1880's- +	destroy 20 years after date of last entry.
85-1.1-14	Misc. Bond Record (bonds filed in civil actions)	c. 1880's- +	destroy 20 years after date of last entry.
85-1.1-15	Recognizance Bond Record-Civil	varies as separate ledger	destroy 20 years after date of last entry.
85-1.1-16	Record of Assignments (rare)	1870's- +	destroy 20 years after date of last entry.
85-1.1-17R	Civil Order Book	1790-1990	maintain permanently meeting standards of Admin.R. 6. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-1.1-18	Index to Civil Cases/General Index to Civil Order Book/Gen. Index Plaintiff and Gen. Index, Defendant	1790-1990	maintain permanently. May microfilm 20 years after date of last entry, using microfilm system meeting standards set by Supreme Court.
85-1.1-19R	Misc. Order Book	varies, usually 20th Century	maintain permanently. May Microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of

			upon approval of the Division of State Court Administration.
85-1.1-19.1R	Nonjudicial Order Book (Certifications and Statutorily Directed Matters)	1989- +	maintain permanently meeting the standards set by the Supreme Court (may microfilm after 20 years).
85-1.1-20	Civil Order Book Complete; Final Order Book Civil	1790-1990, usually 19th Century	transfer to Archives Division, Indiana Archives and Records Administration.
85-1.1-21	General Index to Complete Order Book, Civil	1790-1990	transfer to Archives Division, Indiana Archives and Records Administration.
85-1.1-22	Depositions, opened	1790- +	maintain as part of Civil Case File.
85-1.1-23	Depositions Not Admitted Into Evidence or for Dismissed Cases	1790- +	return to attorney at disposition of case or destroy 1 year after final disposition of case.
85-1.1-24	Docket Sheets	c. 1910-1990	maintain permanently. May microfilm and destroy original 3 years after final disposition of case, unless dissolution of marriage, then may microfilm and destroy original 21 years after disposition.
85-1.1-25R	Plenary Civil Case Files Designated as CP, CT, MT, PL, CC, MF	1790-9/1881  9/1881-1990	transfer to Archives Division, Indiana Archives and Records Administration.  maintain all divorce/dissolution cases; cases where title to real property is in issue; public sector cases; and pre-1941 adoption and bastardy cases in original or in microfilm. For remaining cases, maintain a 2% statistical sample, which is determined by the Division of State Court Administration with transfer to the Archives Division, Indiana Archives and Records Administration. Destroy remaining files 20 years after final disposition.
90-1.1-25.1R	Civil Miscellaneous Case Files (MI)	1/01/1987- +	retain for 5 years and upon review of trial court. Maintain permanently all tax deed MI cases ordered upon IC 6-1.1-25-4.6.
85-1.1-26R	Dismissed Civil Case Files Designated as CP, CT, MI, RS, DR, MH, PO, PL, CC, MF	9/1881- +	Unless relief granted under TR 60(B): (a) those dismissed before trial, destroy 2 years after dismissal; (b) those dismissed during or after trial, destroy 2 years after order to dismiss is given under TR 41.
89-1.1-26.1R	Shorthand Notes/Tapes/ Disks Not Transcribed	1873- +	destroy 3 years after date of trial for CP, CT, MI, RS, DR, MH, PO, CC, and MF.
91-1.1-61	Protective Order Case Files With PO Designation Under Administrative Rule 8	1/1/1992- +	destroy 3 years after date Order has been entered.
91-1.1-62	Notice and Release of Lien for Medical Assistance (IC 12-1-7-24.6)(c)(1)	1982- +	for those liens formally released by Dept. of Public Welfare, destroy notice and Lien 2 years after release filed.
91-1.1-63	Hardship Driver's License (Emergency Order for	varies	for independent court action, not a part of a larger case, and if original order in

Restricted Hardship License)  
(MI Case # Only)

RJO, destroy Case File 2 years after  
judgment.

### JUDGMENTS AND EXECUTIONS

85-1.1-27	Judgment Dockets	1790- + pre-1853  post 1852	transfer to Archives Division, Indiana Archives and Records Administration.  destroy docket 20 years after date of last entry.
85-1.1-28	Transcribed Judgment Docket (copy of deteriorated original)	varies	destroy 20 years after date of last entry.
85-1.1-29	Judgment Docket Release	c. 20th Century	destroy 20 years after date of last entry.
85-1.1-30	Record of Delinquent Tax/Delinquent Tax Judgment Record IC 6-1-55-1 IC 6-1.1-23-9	1964- +	destroy 20 years after date of last entry.
85-1.1-31	Judgment Docket: Statements and Transcripts (orig. statements of judgment of court w. ref. to Judgment Docket) (ledger) ACTS 1929:83:1 IC 34-1-43-1 (not all courts created this ledger)	1929- +	destroy 20 years after date of last entry.
85-1.1-32	Judgment Statements and Transcripts (originals)	varies, usually after 1929- +	destroy 20 years after filing.
90-1.1-32.1	Collection Warrant Under Employment Security Act (IC 22-4-29-7)	varies	destroy after 20 years.
85-1.1-33	Judgment Docket Index	varies	destroy 20 years after date of last entry.
85-1.1-34	Praeipce/Certified Copy Praeipce (ledger)	1790- +	destroy 20 years after date of last entry.
85-1.1-35	Praecipes	1790- +	destroy 20 years after filing, if filed separately.
85-1.1-36	Executions	1790- + pre-1853  post 1852	transfer to Archives Division, Indiana Archives and Records Administration.  destroy 20 years after date of last entry.
85-1.1-37	Execution Dockets	1790- + pre-1853  post 1852	transfer to Archives Division, Indiana Archives and Records Administration.  destroy 20 years after date of last entry.
85-1.1-38	Sheriff's Execution Docket (rare)	c. 1853- +	destroy 20 years after date of last entry.
85-1.1-39	Register of Executions (rare)	c. 1870's- +	destroy 20 years after date of last entry.
85-1.1-40	Supplement to Execution Docket (rare)	c. 1870's- +	destroy 20 years after date of last entry.
85-1.1-41	Executions: Order of Sale (original pleadings)	c. 1790- +	destroy 20 years after date of issue.
85-1.1-42	Executions: Order of Sale (ledger)	c. 1790's- +	destroy 20 years after date of last entry.

85-1.1-43	Stay of Execution (original pleadings)	c. 1790's- +	destroy 20 years after date of issue.
85-1.1-44	Index to Execution Docket	varies	destroy 20 years after date of last entry.
85-1.1-45	Fee Bills (original filings)	1790- +	destroy after 20 years.
85-1.1-46	Fee Bill Record	varies, usually 20th Century	destroy 20 years after date of last entry.
85-1.1-47	Sheriff's Fee Bill Docket	varies, usually 20th Century	destroy 20 years after date of last entry.
85-1.1-48	Fee Bill Index	varies, usually 20th Century	destroy when last entry becomes 20 years old.
85-1.1-49	Tax Warrants IC 6-8-7-1 (1976)	1933-1980	destroy after 20 years.
85-1.1-50	Alias Tax Warrants IC 6-8-7-2 and IC 6-8-7-3 (1976)	1933-1980	destroy after 20 years.
85-1.1-51	Tax Warrants	1980- +	maintain 3 years after payment and audit by State Board of Accounts.
85-1.1-52	Alias Tax IC 6-8.1-8-2(e)	1980- +	maintain 3 years after payment and audit by State Board of Accounts.

NOTE: REVENUE DEPARTMENT MAY "RENEW A LIEN FOR ADDITIONAL TEN (10) YEAR PERIODS BY FILING AN ALIAS TAX WARRANT..."

85-1.1-53	Power of Attorney Filings	1790- + pre-9/1881 post 9/1881	transfer to Archives Division, Archives and Records Administration. destroy after 20 years.
85-1.1-54	Power of Attorney Record (not all courts created)	c. 1881- + varies	destroy 20 years after date of last entry.
85-1.1-55	Power of Attorney Index (rare)	c. 1881- + varies	destroy 20 years after date of last entry.
85-1.1-56	Index to Misc. Court Records	c. 1853/81- + varies	maintain for period in which records are referred to.
85-1.1-57	Subpoena Docket (rare)	1790- +	destroy 20 years after date of last entry.
85-1.1-58	Sheriff's Subpoena Docket (rare)	1790- +	destroy 20 years after date of last entry.
87-1.1-59	Sheriff Foreign Service	varies	destroy 3 years after date of last entry.
88-1.1-60	Civil Fee Books	1790-c. 1913 +	destroy upon written approval of the Division of State Court Administration.

#### CHANCERY

85-1.2-01	Chancery Order Book	1843-1852	maintain permanently.
85-1.2-02	Case Files, Chancery	to 1853	transfer to Archives Division, Archives and Records Administration.

#### LIS PENDENS

85-1.3-01	Lis Pendens Record (Complaints) IC 32-30-11-11	1877- +	destroy 20 years after date of last entry.
85-1.3-02	Lis Pendens - Complaint Files IC 32-30-11-1	1877- +	destroy 20 years after filing.

85-1.3-03	Lis Pendens Record - Sheriff's Notice of Attachment IC 32-30-11	1877- +	destroy 20 years after date of last entry.
85-1.3-04	Lis Pendens - Sheriff's Notice of Attachment IC 32-30-11	1877- +	destroy 20 years after filing.
85-1.3-05	Lis Pendens Record-- Sheriff's Certificates of Sale IC 34-2-29-1	1881-1987	destroy 20 years after date of entry.
85-1.3-06	Lis Pendens--Sheriff's Certificates of Sale IC 34-2-29-1	1881-1987	destroy 20 years after filing.
85-1.3-07	Lis Pendens-- Redemption Record IC 34-2-29-3	1881-1987	destroy 20 years after date of last entry.
85-1.3-08	Lis Pendens-- Redemptions IC 34-2-29-3	1881-1987	destroy 20 years after filing.

NOTE: IC 34-2-29-1 et seq. was repealed by P.L. 309-1987

85-1.3-09	Index--Lis Pendens Record (discretionary)	1877- +	destroy 20 years after date of last entry.
85-1.3-10	Transcript Order Book (to collect judgments)	JP to 1976 City 1847- + Gen.Cts. to current	destroy 20 years after date of last entry.
85-1.3-11	Transcripts (to collect judgments)	JP to 1976 City 1847- +	destroy 20 years after filing.
87-1.3-12	Transcript and Insurance Order Book (see also 85-1.3-10) (rare)	1877-1935	destroy.

NOTE: ACTS 1877(r): 43:1 required foreign insurance companies to file certain statements with the Auditor of State and Clerk of the Circuit Court, the latter to note "in vacation of entries of the order book of such court" the name of the company and its agent and the date of filing. Some courts created separate "order books" for this purpose.

87-1.3-13	Foreign Insurance Company Statements	1877-1935	destroy.
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### PARTITIONS

85-1.4-01	Partition Record	1853-1869 (& later)	maintain permanently.
85-1.4-02	Partition Record Complete	1853-1869 (& later)	maintain permanently.
85-1.4-03	Case Files, Partitions	1853- +	maintain in accordance with Plenary Civil Case Files, 85-1.1-25R.

### DISSOLUTION OF MARRIAGE

Some courts maintain separate filing systems and have created separate "Domestic Relations" records for divorce/dissolution of marriage.

85-1.5-01R	Entry Docket, Issue Docket & Fee Book	c. 1973- +	maintain permanently (may microfilm after 20 years).
85-1.5-02R	Order Book, Domestic Relations	c. 1973- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-1.5-03R	Divorce Case Files	to 8/31/1973	maintain in accordance with schedule 85-1.1-25R.

85-1.5-04	Judgment Docket	c. 1973- +	destroy 20 years after date of last entry.
85-1.5-05	Execution Docket	c. 1973- +	destroy 20 years after date of last entry.
85-1.5-06	Domestic Relations Index	c. 1973- +	maintain permanently. May microfilm 6 years after ledger is filled.
88-1.5-07	Dissolution of Marriage Case Files	9/01/1973- +	maintain in accordance with Plenary Civil Case Files, 85-1.1-25R.
90-1.5-07.1	Dismissed Divorce/Dissolution of Marriage Case Files	9/1881- +	destroy in accordance with Dismissed Plenary Civil Case Files 85-1.1-26R.
91-1.5-0.8	UIRESA Uniform Support, Petition, Certificate and Order as Initiating Court Under IC 31-18-3-4	7/01/1951- +	maintain 2 years after order is entered if copy of petition is maintained by prosecuting attorney. (Docket Sheet/CCS is maintained).
01-1.5-10	Reciprocal Support (RS) Case files as Responding Court under IC 31-18-3-5		destroy case files 21 years after date of last action (Applies to both adjudicated and dismissed case files.)
93-1.5-09	Court Referral Case Files (IC 31-1-23); (IC 31-1-24)	1971 - +	Domestic Relations Counseling Bureau Files. Destroy files 21 years after date of last entry.

#### **CRIMINAL (2)**

85-2-01	Indictment Record-- Grand Jury (ledger)	1853-1973	transfer to Archives Division, Indiana Archives and Records Administration.
85-2-02	Indictments/Grand Jury Reports	1790- +	transfer to Archives Division, Indiana Archives and Records Administration after 20 years.
85-2-03R	Information Record	1853-1905	transfer to Archives Division, Indiana Archives and Records Administration.
87-2-33	Affidavit Record	1905-1973	transfer to Archives Division, Indiana Archives and Records Administration
87-2-34	Indictment/Information Record IC 35-34-1-1	1973- +	transfer to Archives Division, Indiana Archives and Records Administration after 20 years.
85-2-04	Informations/Affidavits (1905-1973)	1853 - +	transfer to Archives Division, Indiana Archives and Records Administration after 20 years.
85-2-05	Arrest Warrants	1790 - +	file with Criminal Case File.
85-2-06	Recognizance Bonds, Criminal	1790- +	transfer bonds prior to 9-01-1881 to Archives Division, Indiana Archives and Records Administration; destroy post 1881 bonds after 6 years.
85-2-07	Criminal Recognizance Bond Record (discretionary)	1790- +	transfer ledgers prior to 9-01-1881 to Archives Division, Indiana Archives and Records Administration; destroy post 9/1881 ledgers 6 years after date of last entry.
85-2-08	Continuing Recognizance Bond Record (discretionary) (rare)	1790 - +	destroy 6 years after date of last entry.

85-2-09	Habeas Corpus	1790 - +	transfer to Archives Division, Indiana Archives and Records Administration 6 years after date of issue, if filed separately.
85-2-10	Habeas Corpus (ledger)	1790- +	transfer to Archives Division, Indiana Archives and Records Administration 6 years after date of last entry.
85-2-11R	Entry Docket	1790-1913	maintain permanently.
85-2-12	Entry Docket & Fee Book	1913-1990	maintain permanently; may microfilm 20 years after date of last entry.
90-2-12.1	Issue Docket, Criminal	1790-c. 1915	destroy.
85-2-13	Fee Book, Criminal	to 1913	destroy if separate Entry Docket exists. If not, maintain permanently.
85-2-14	Clerk's Docket, Criminal (discretionary)	1790-1920's	destroy.
85-2-15	Judge's/Bench/Court Docket, Criminal	1790-1920's	destroy.
85-2-16	State Docket	c. 1880's	destroy.
85-2-17	Sheriff's State Docket	c. 1880's	destroy.
85-2-18	Docket Sheets, Criminal	c. 1910's-1990	maintain permanently. May microfilm original 3 years after case is disposed of.
85-2-19R	Order Book, Criminal	c. 1860's-1990 (varies)	maintain permanently. May microfilm after 20 years and transfer original to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-2-20	Order Book Complete, Criminal (rare)	c. 1860's- c. 1880's	maintain permanently.
85-2-21R	Felony Criminal Case Files	1790- to 9-01-1881	transfer all files prior to 9-01-1881 to Archives Division, Indiana Archives and Records Administration.
		9/1881-1990	Maintain a 2% statistical sample, which is determined by the Division of State Court Administration with transfer to the Archives Division, Indiana Archives and Records Administration. Destroy remaining files 55 years after final disposition. Maintain packet for post-conviction relief.
87-2-21.1R	Dismissed Felony Case Files	9/1881 - +	destroy 2 years after order to dismiss is given.
90-2-21.2	Misdemeanor Criminal Case Files (CM)	1790- to 9/1881	transfer all files prior to 9-01-1881 to Archives Division, Indiana Archives and Records Administration.
		9/1881 +	Maintain a 2% statistical sample, which is determined by the Division of State Court Administration with transfer to the Archives Division, Indiana Archives and Records Administration. Destroy remaining files 10 years after final disposition.

		1990- +	handgun possession maintain fifteen years.
85-2-22	Judgment Docket Criminal	rare as separate volume	destroy 20 years after date of last entry.
85-2-23	Disfranchisement Record (rare)	1920's	destroy.
85-2-24	Suspended Sentence Docket	1919-1977	destroy 55 years after date of last entry.
85-2-25	Judgment Withheld Docket	1919-1977	destroy 55 years after date of last entry.
85-2-26R	Depositions Published or Unpublished	1790- +	destroy after 55 years if unopened and not filed with court packet.
95-2-26.1	Misdemeanor Depositions Published or Unpublished	1852- +	destroy after 10 years if unopened and not filed in court packet.
85-2-27R	Shorthand Notes/Tapes/Disks Not Transcribed--Felonies	1873- +	destroy 55 years after date of trial.
			[Criminal Rule 5]
89-2-27.1	Shorthand Notes/Tapes/Disks Not Transcribed-Misdemeanors (CM)	1873- +	destroy 10 years after date of trial.
85-2-28	Transcripts for Appeals	1790- +	file in Criminal Case File if copy is maintained.
85-2-29	Probation Files	1907- +	destroy 6 years after release of individual from final discharge.
95-2-29.1	Court Administered Alcohol Program (CAAP)	1974- +	destroy 6 years after release of individual from final discharge (Probation Department Files).
95-2-29.2	Alternative Sentencing Case Files (Work Release Files)	1991- +	destroy 6 years after release of individual from final discharge (Probation Department Files).
85-2-30	General Index, Criminals	varies	transfer to Archives Division, Indiana Archives and Records Administration after 55 years.
85-2-31R	Restitution Record IC 35-38-2-2	(1927) 1976- +	destroy 6 years after date of last entry.
89-2-32R	Search Warrants (Executed and Unexecuted) and not associated with a specific criminal case file	1790- +	place in separate case file and assign a criminal miscellaneous case number. Destroy 20 years after issuance of warrant. (The prosecuting attorney may request a longer retention period by filing a written request specifying the length of the extended retention period)



09-2-32.1	Search Warrant Executed and associated with specific criminal case file	1790- +	place in separate case file and assign a criminal miscellaneous case number. Destroy at the same time as the associated criminal case. If there is more than one associated criminal case, destroy at the same time as the case with the longest retention period. An association with a specific criminal case is created when a notice is filed with the court by the prosecuting attorney stating that a filed criminal case is associated with the executed search warrant. Upon the filing of such a notice, an entry shall be made on the CCS in both cases noting the association.
09-2-32.2	Search Warrants Denied or Not Executed	1790- +	destroy 2 years after order denying issuance of search warrant or if search is not executed (No return filed within the 2 year period presumes that warrant was not executed).
89-2-33R	Certificates on Standards for Breath Test Operators, Equipment & Chemicals (IC 9-30-6-5)	1983- +	destroy 10 years after filing or upon recordation in Nonjudicial Order Book 89-1.1-19.1.
05-2-34	Dismissed Misdemeanor Case Files	9/1881	destroy 1 year after order to dismiss is given.
05-2-35	Forensic Diversion Program	2004--+	destroy 6 years after release of individual from final discharge.
05-2-36	Wiretap recordings under IC 35-33.5-5-2	1990--+	Destroy after ten (10) years only upon an order of the court that issued the warrant.
05-2-37	Applications for wiretaps and corresponding warrants under IC 35-33.5-5-2	1990--+	Destroy after ten (10) years only upon an order of the court that issued the warrant.
09-2-38	Grand Jury Recordings and Transcriptions – felonies	1881+	Destroy 55 years after date of final disposition
09-2-38.1	Grand Jury Recordings and Transcriptions – dismissed felony cases	1881+	Destroy 2 years after order to dismiss granted
09-2-38.2	Grand Jury Recordings and Transcriptions – misdemeanors	1881+	Destroy 10 years after date of final disposition
09-2-38.3	Grand Jury Recordings and Transcriptions – dismissed misdemeanors	1881+	Destroy 1 year after order to dismiss granted
12-2-39	Problem-Solving Court Case Files	2002+	Destroy no earlier than 6 years after discharge from problem-solving court or completion of probation whichever is later

**ESTATES (3)****WILLS**

85-3.1-01R	Recorded Original Wills	1790- +	maintain permanently (as a part of the Estate Case File, or as a separate series if filed separately). May microfilm after 5 years.
85-3.1-02	Will Record	1790- +	maintain permanently in original format; may microfilm or store electronically as a critical record, for security.
85-3.1-03	Transcript Will Record/original Will Record Ledger (a copy of an original ledger, copied for preservation)	varies	maintain both versions permanently in original format; may microfilm or store electronically as a critical record, for security.
85-3.1.04	Clerk's Report of Wills Probated in Vacation	discretionary, usually from 1881, little used thereafter	maintain permanently in original format; may microfilm or store electronically as a critical record, for security.
85-3.1-05	Index to Will Record	discretionary	maintain permanently in original format, may microfilm or store electronically as a critical record, for security.

**ESTATES**

85-3.2-01	Appearance Docket	to c. 1881	maintain permanently.
85-3.2-02	Allowance Docket	to c. 1879	destroy.
85-3.2-03	Estate Entry Docket	to c. 1879	maintain permanently.
85-3.2-04	General Entry Claim and Allowance Docket	c. 1879 c.	maintain permanently.
85-3.2-05	Estate Entry Claim and Allowance Docket & Fee Book (Form 42)	c. 1911- +	maintain permanently; may microfilm and destroy original 3 years after date of last entry.
85-3.2-06	Vacation Entries in Estates and Guardianships	discretionary c. 1881-c. 1920's	maintain permanently.
85-3.2-07	Probate Claim Docket	discretionary c. 1853-c. 1879	destroy.
85-3.2-08	Clerk's Minute Book, Probate/Clerk's Docket	discretionary	destroy.
85-3.2-09	Clerk's Docket, Sale of Real Estate	discretionary	destroy.
85-3.2-10	Bar Docket, Probate	discretionary to c. 1920's	destroy.
85-3.2-11	Bench/Estate/Judge's Docket, Probate	to c. 1920's	destroy.
85-3.2-12	Issue Docket, Probate	discretionary to c.1913	destroy.
85-3.2-13	Transfer Docket, Probate	discretionary to c. 1920's	destroy.
85-3.2-14	Docket Sheets, Estate	c. 1910-1990	maintain permanently may microfilm 3 years after close of case.

85-3.2-15R	Probate/ Estate Case Files	1790-1990	maintain permanently (may microfilm 2 years after order of final discharge of personal representative).
85-3.2-16	Accounts Current Reports IC 29-1-1-23(f)	c. 1860's-	maintain as part of Probate Case File.
85-3.2-17	Claims Against the Estate	1790- +	maintain as part of Probate Case File.
85-3.2-18	Sale of Real Estate, Probate	1790- +	maintain as part of Probate Case File.
85-3.2-19	Settled Assignment of Estates, Probate	1790- +	maintain as part of Probate Case File.
85-3.2-20	Executor's Oath & Letters (ledger)	c. 1840's-1953	destroy ledger 20 years after disposal of last case.
85-3.2-21	Administrator's Oaths & Letters (ledger)	c. 1840's-1953	destroy ledger 20 years after disposal of last case.
85-3.2-22	Executor's Bond Record IC 29-1-1-23(d)	1840's- 6/30/1991	destroy ledger 20 years after disposal of last case.
85-3.2-23	Administrator's Bond Record IC 29-1-1-23(d)	1840's- 6/30/1991	destroy 20 years after disposal of last case.
88-3.2-51	Personal Representatives Bonds (ledger) per IC 29-1-1-23(d) (discretionary)	1/01/1954- 6/30/1991	destroy 20 years after disposal of last entry.
85-3.2-24	Executor's Bond to Sell Real Estate (ledger)	1853-c. 1881	destroy.
85-3.2-25	Administrator's Bond to Sell Real Estate (ledger)	1853-c. 1881	destroy.
85-3.2-26	Commissioner's Bond to Sell Real Estate (ledger)	1853-1881	destroy.
85-3.2-27	Record of Additional Bonds, Estates (discretionary)	c. 1853-c. 1881	destroy.
85-3.2-28	Commissioner's Bond Record (discretionary)	c. 1853-c. 1881	destroy.
85-3.2-29	Executor's Bonds Oaths & Letters (ledger)	c. 1853-1953	destroy 20 years after disposal of last case.
85-3.2-30	Administrator's Bonds, Oaths & Letters (ledger)	c. 1853-1953	destroy 20 years after disposal of last case.
85-3.2-31	Administrator's Executor's and Guardian's Bonds to Sell Real Estate	1853 - c. 1881	destroy.

NOTE: ORIGINAL BONDS, OATHS, & LETTERS ARE APPROVED BY THE COURT, ARE ENTERED IN THE ORDER BOOK WITH ORIGINALS FILED IN THE ESTATE CASE FILES.

85-3.2-32	Record of Inventories IC 29-1-1-23(e)	1853-6/30/1991	destroy 20 years after disposal of last case.
85-3.2-33	Inventory of Surviving Partners (ledger)	post 1853, discretionary	destroy 20 years after disposal of last case.
85-3.2-34	Record of Inventory & Sale Bills	1853-6/30/1991	destroy 20 years after disposal of last case.
85-3.2-35	Record of Sale Bills/Account Sale of Personal Property	1853-1953	destroy.

85-3.2-36R	Probate Order Book	1790-1990	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-3.2-37R	Probate Order Book, Complete	c. 1829-c. 1920's	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-3.2-38	Order Book Estates, Vacation Entries	c. 1881-c. 1969	maintain permanently.
85-3.2-39	Assignment Order Book	discretionary	maintain permanently.
85-3.2-40	Probate Order Book, Transcript of Original	discretionary	maintain permanently.
85-3.2-41	Record of Administrator's Accounts IC 29-1-1-23(f)	c. 1860's-+ 6/30/1991	maintain permanently.
85-3.2-42	Inheritance Tax Files	1913- +	maintain as part of Probate Case File.
85-3.2-43	Inheritance Tax Ledger	1913- +	maintain permanently, may microfilm & destroy original 15 years after date of last entry.
85-3.2-44	Judgment Docket, Probate (rare)	1790- +	destroy 20 years after date of last entry.
85-3.2-45	Praecipe Book, Probate (rare)	1790- +	destroy 20 years after date of last entry.
85-3.2-46	Execution Docket, Probate (rare)	1790- +	destroy 20 years after date of last entry.
85-3.2-47	General Index to Estates/Probate IC 29-1-1-23	1790-1990	maintain permanently – may microfilm or store electronically for security purposes.
85-3.2-48	General Index to Probate Complete Record	to c. 1920's	maintain permanently.
85-3.2-49	Index to Administrator's & Executor's Bonds IC 29-1-1-23	1840's- 6/20/1991	destroy when last corresponding bond ledger is destroyed.
88-3.2-50	Fee Books, Probate	1790-c. 1913	destroy upon written approval of Division of State Court Administration.

### **GUARDIANSHIPS**

85-3.3-01	Guardianship Docket	c. 1853-c. 1913	maintain permanently.
88-3.3-18	Guardianship Docket & Fee Book IC 29-1-1-23	1913- +	microfilm and destroy original 20 years after date of last entry/close of guardianship.
85-3.3-02	Clerk's Guardianship Docket	c. 1853-c. 1913	destroy.
85-3.3-03	Bar Docket, Guardianships	c. 1853-c. 1920's	destroy.
85-3.3-04	Bench/Judge's Docket, Guardianships	1790-c. 1920	destroy.
85-3.3-05	Guardianship Docket Sheets	c. 1910-1990	microfilm and destroy original 20 years after close of case.
85-3.3-06R	Case Files, Guardianships	1790-1990	maintain permanently (may microfilm 5 years after order of final discharge of guardian).

85-3.3-07	Guardianship Accounts Current Reports	c. 1860's- 6/30/1991	maintain permanently. Maintain as part of Guardianship Case File.
94-3.3-18	Record of Guardianship Accounts Current IC 29-1-1- 23(f)	c. 1860's- 6/30/1991	maintain permanently.
85-3.3-08	Guardian's Oaths & Letters Record	1847- +	destroy ledger 20 years after close of last case.
85-3.3-09	Guardian's Bond Record	1847- 6/30/1991	destroy ledger 20 years after close of last case.
85-3.3-10	Guardian's Bond Record to Sell Real Estate	1853-c. 1881	destroy.
85-3.3-11	Guardian's Bond, Oath & Letter Record	c. 1853-1953	destroy ledger 20 years after close of last case.

NOTE: ORIGINAL BONDS, OATHS & LETTERS ARE APPROVED BY THE COURT, ARE ENTERED IN THE ORDER BOOK WITH ORIGINALS FILED IN THE GUARDIANSHIP CASE FILES.

85-3.3-12R	Inventory Record, Guardianships	1853- +	destroy 20 years after disposal of last case.
85-3.3-13	Record of Sale Bills, Guardianships	1853-1953	destroy.
85-3.3-14R	Order Book, Guardianships	discretionary	maintain permanently. May microfilm after 20 years and transfer original to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-3.3-15	General Index Guardianships	discretionary	maintain permanently.
85-3.3-16	Index to Guardianship Bonds	discretionary to 6/30/1991	destroy filled ledger 20 years after entry of last case.
88-3.3-17	Fee Books, Guardianships	1790-c. 1913- +	destroy upon written approval of Division of State Court Administration.

### **TRUSTS**

**(Separate record series from probate, estates)**

85-3.4-01R	Trust Entry Docket Book/Trust Estate Fee Book [not required by IC 30-4-4- 4(a)]	-to current	maintain permanently, (may microfilm after 20 years).
85-3.4-02	Trust Case Files	-to current	maintain permanently, (may microfilm 3 years after disposal).
85-3.4-03	Record of Trust Company Oaths (ledger)	varies	destroy 4 years after date of last entry.
85-3.4-04	Record of Delinquent Trust Records (ledger)	varies	maintain permanently.
85-3.4-05	Trustee's Miscellaneous Record of Reports (ledger)	varies	maintain permanently.

### **FAMILY LAW (4) JUVENILE COURT**

85-4.1-01	Record of Affidavit for Prosecution of Juvenile (discretionary)	1903- +	destroy 20 years after date of last entry.
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85-4.1-02	Entry Docket/Juvenile Entry Docket, Issue Docket & Fee Book (ledger)	1903-1990	destroy 20 years after date of last entry.
85-4.1-03	Juvenile Court Docket/Judge's Docket (replaced by Docket Sheets)	1903-c. 1930's	destroy 20 years after date of last entry.
85-4.1-04	Docket Sheets	c. 1910-1990	destroy 20 years after last entry or 20 years after time when minor reaches majority unless expunged.
85-4.1-05	Investigator's Case Reports (ledger)	1903- +	destroy 20 years after date of last entry.
85-4.1-06R	Master Card Index File	1903- +	destroy 20 years from date of last entry or all born prior to 12-31 of year when child is 18 years of age.
85-4.1-07	Society History Case Files	1903- +	destroy 12 years after last entry or 12 years after time when minor reaches majority unless expunged.
85-4.1-08R	Juvenile Order Book (ledger)	1903-1990	maintain permanently, except individual records expunged. May microfilm after 20 years and transfer original to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
01-4.1-29	JD case files	IC 31-30-1-4 felonies committed by a juvenile under 16 years of age	destroy 12 years after juvenile reaches 18th birthdate.
01-4.1-30	JD, JC, JM and JS case files	Delinquency cases not under IC 31-30-1-4 for under 16 years of age and all CHINS, status and miscellaneous case files	destroy 12 years after juvenile reaches 18th birthdate.
01-4.1-31	JT case files	Termination of parental rights	destroy 5 years after juvenile reaches 18th birthdate.
01-4.1-32	Juvenile CCS	Official Chronological Case Summary	maintain permanently.
01-4.1-33	Juvenile RJO	Record of Judgments and Orders	maintain permanently.
87-4.1-21	Dismissed Juvenile Case Files	1903- +	destroy 2 years after order to dismiss is given.
85-4.1-10	Adult Causes, Contributing to Delinquency of Minor (Case Files)	1905- +	destroy 20 years from final judgment/order.
85-4.1-11	Bonds	1903- +	destroy 3 years after disposal of case, if such bonds are filed separately.
85-4.1-12	Record of Commitments (ledger)	1869- +	destroy 7 years after release of last person named in ledger.
85-4.1-13	Record of Releases (ledger)	1869- +	destroy 7 years after release of last person named in ledger.
85-4.1-14	Record or Reports from Juvenile Institutions (ledger)	1869- +	destroy 7 years after release of last person named in ledger.

85-4.1-15	Juvenile Institutional Report (Case Files)	1869- +	destroy 7 years after individual is released from probation.
85-4.1-16R	Probation Case Files/Folders	1903- +	destroy 7 years after individual is released from probation or informal adjustment and after child reaches 18th birthday.
88-4.1-23	Juvenile Probation Officer's Copy of Report Where no Delinquency is Filed	varies	destroy after compilation of statistics.
88-4.1-24	No Probable Cause Files	varies	destroy after 2 years of filing.
88-4.1-25	Statistical Sheets	varies	destroy upon compilation of statistics.
88-4.1-26R	Shorthand Notes/Tapes/Disks Not Transcribed	varies	destroy 7 years after date of trial and final judgment.
88-4.1-27	Court Reporter Calendars "Court Reporter's Call Sheets"	varies	maintain current year and previous year and discard earlier years.
85-4.1-17	Judgment Docket, Juvenile Court	1903- +	maintain for 20 years from date of last entry.
85-4.1-18	Juvenile Fee Book/Juvenile Fine and Fee Docket (ledger)	1903- +	destroy 6 years after date of last entry.
85-4.1-19	General Index, Juvenile Court (ledger or card file) (discretionary)	1903-1990	destroy 20 years after date of last entry.
85-4.1-20	Juvenile Restitution Record (ledger) IC 35-7-2-1	1976- +	destroy 7 years after termination of probation of last person entered.
88-4.1-22	Fee Books, Juvenile	1903-c. 1913	destroy upon written approval of Division of State Court Administration.
91-4.1-28	Juvenile Wardship Case Files	1903- +	maintain under 01-4.1-30.

Note: Under ACTS 1936(ss): 3:26(b), IC 12-1-3-10, 1976, County Boards of Welfare filed for "the dismissal of such guardianships". These Case Files are not dismissed but such agency is ending its jurisdiction in such cases.

#### **PATERNITY**

85-4.2-01R	Paternity Book	1941- +	maintain Order permanently in court; may microfilm filled ledger for security.
85-4.2-02R	Docket Sheets	1941- +	maintain permanently in court; may microfilm 3 years after disposition using standards of Admin. R. 6.
85-4.2-03R	Paternity Case Files	1941- +	maintain permanently (may microfilm after 5 years).
87-4.2-04R	Dismissed Paternity Case Files	1941- +	maintain permanently (may microfilm after 2 years from order of dismissal).
91-4.2-05	Shorthand Notes/Tapes/Disks Not Transcribed	1941- +	maintain permanently.

#### **ADOPTIONS**

85-4.3-01R	Adoption Order Book/Record	1941- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-4.3-02R	Adoption Case Files	1941- +	maintain permanently (may microfilm after 5 years).
95-4.3-02.1	Dismissed Adoption Case Files	1941- +	maintain permanently (may microfilm after 2 years from order of dismissal).
85-4.3-03	Adoption Docket Sheets	1941- +	file with Adoption Case File.
85-4.3-04	Adoption General Index	1941- +	maintain permanently in original format.
91-4.3-05	Shorthand Notes/Tapes/Disks Not Transcribed	1941- +	maintain permanently.

### **COURT-ORDERED BIRTH CERTIFICATES**

85-4.4-01R	Birth Certificate Record (Order Book Index of Judicial Judgment & Decree)	1941- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-4.4-02	Birth Certificate Record-- Original Pleadings	1941- +	destroy 5 years after hearing.

### **COUNTY COURT AND COURTS PERFORMING COUNTY COURT FUNCTIONS (5)**

85-5.1-01R	Small Claims Docket and Fee Book	1976-1990	destroy after 20 years if not used as substitute Order Book (see 85-5.1-02R).
85-5.1-02R	Civil Order Book - Small Claims/ Small Claims Docket	1976-1990	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-5.1-03R	Small Claims Docket Sheets	1976-1990	maintain permanently (may microfilm 3 years after disposition)
90-5.1-03.1R	Small Claims Shorthand Notes/Tapes/ Disks Not Transcribed	1971- +	destroy or reuse 3 years after date of trial. See 89-1.1-26.1R for CP cases.
85-5.1-04	Judgment Docket Small Claims Rule 11	1976- +	destroy 20 years after date of last entry.
85-5.1-05R	Small Claims Case Files	1976-1990	destroy 5 years after order releasing judgment; or 10 years where judgment has not been ordered released or where no discharge in bankruptcy is filed.
87-5.1-21R	Dismissed Small Claims Case Files	1976- +	destroy 2 years after order to dismiss is given or after discharge in bankruptcy is filed.



85-5.1-06R	Civil Order Book-- Plenary/Plenary Docket	1976-1990	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-5.1-07R	Plenary Case Files	1976-1990	maintain in accordance with 85-1.125R
85-5.1-08R	Criminal Entry Docket and Fee Book	1976-1990	maintain 55 years in original or microfilm 10 years after last entry and destroy original.
85-5.1-09	Traffic Violation Docket	1976-1981	destroy.
85-5.1-10R	Infractions Order Book	1981-1990	destroy 10 years after date of last entry.
85-5.1-11R	Criminal and Traffic Docket	1976-1981	if it contains Class D Felonies, maintain 55 years; if misdemeanor only, destroy after 10 years.
85-5.1-12R	Criminal Order Book/Criminal & Misdemeanors	1976-1990	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-5.1-13R	Case Packets, Traffic Infractions	1977-1990	destroy 10 years prior to 1981; after 9-01-1981 destroy after 2 years if court complies with IC 9-30-3-11(c), (d).
85-5.1-13.1R	Traffic Non-moving Violations	1979-1990	destroy 3 years after end of calendar year and after audit by State Board of Accounts.
87-5.1-22R	Case Packets, Non-Traffic Infractions	1977-1990	destroy 10 years after final judgment.
87-5.1-23R	Case Packets, Ordinance Violations	1976-1990	destroy 10 years after final judgment.
90-5.1-23.1R	Infraction/Ordinance Violations Shorthand Notes/Tapes/Disks Not Transcribed	1971- +	destroy or reuse 2 years after final judgment. For felony and misdemeanors see 85-2-27R and 89-2-27.1.
85-5.1-14	Case Files--Criminal & Misdemeanor	1976-1990	destroy misdemeanor case files 10 years after final disposition; maintain Class D Felonies for 55 years-1979 +. Sample CM case files in accordance with 90-2-21-2; sample felony cases in accordance with 85-2-21R.
90-5.1-14.1	Copy of Pretrial Diversion Contract and Papers Filed in County of Residence, Different From County of Conviction	1976- +	retain for 2 years after contract's termination date.
85-5.1-15	General Indices	1976- +	maintain for life of ledger they index.
85-5.1-16	Jury Record	1976- +	destroy 3 years after date of final entry and audit by State Board of Accounts.

#### **JUSTICE OF THE PEACE JURISDICTION**

85-5.1-17	Civil Docket	to 1976	destroy.
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85-5.1-18	Civil Case Files	to 1976	destroy.
85-5.1-19R	Criminal Docket	to 1976	destroy.
85-5.1-20R	Criminal Case Files	to 1976	destroy.

NOTE: Includes Lake County JP courts through 1978. For records prior to 1941, offer to local repository or Archives Division, Indiana Archives and Records Administration before destruction.

#### **TOWN COURT AND CITY CRIMINAL JURISDICTION**

91-5.1-29	Criminal Docket	varies	destroy 10 years after last entry.
91-5.1-30	Criminal Case Files	varies	destroy 10 years after final entry.

#### **CITY CIVIL JURISDICTION**

88-5.1-24	Civil Entry Dockets	1875-1905; 1917- +	destroy after 20 years by petition to county records commission.
88-5.1-25	Civil Docket Ledgers/Sheets	1875-1905; 1917- +	destroy after 10 years.
88-5.1-26R	Order Books ("Minute Books" Lake County)	1875-1905; 1917- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
88-5.1-27	Civil Case Files	1875-1905; 1917- +	destroy after 5 years from date of final judgment.
88-5.1-28	Fee Books, Civil	1875-1905; 1917- +	destroy 10 years after completion of volume.

#### **NATURALIZATIONS (6)**

(Formerly schedules 85-6-1 through 12). Transfer any and all naturalization records immediately to the Archives Division, Indiana Archives and Records Administration through the Division of State Court Administration. See Indiana Rules of Court, 1991, page 675 for list.

#### **COURT OF CONCILIATION (7)**

85-7-01	Order Book	1853-1865	transfer to Archives Division, Indiana Archives and Records Administration.
85-7-02	Case Files	1853-1865	transfer to Archives Division, Indiana Archives and Records Administration.

#### **SPECIAL JUDICIAL FUNCTIONS (8)**

85-8.1-01R	Insane Record/Mental Health Record	1848- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-8.1-02	Insanity Inquests/M.H. Hearing, Case Files	1848-1990	destroy 7 years after discharge.

85-8.1-03R	Proceedings to Recommit to a Hospital for Insane	1881-1927	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
85-8.1-04R	Gen. Index to Insane/Mental Health Record (discretionary)	-1990	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
94-8.1-05	Commitment Files, Alcoholism	1929- +	destroy 7 years after discharge.
85-8.2-01	Commitment Order Book, Epilepsy IC 16-14-9.1	1907-1990	transfer to Archives Division, Indiana Archives and Records Administration 20 years after last entry.
85-8.2-02	Commitment Files, Epilepsy IC 16-14-9.1	1907-1990	destroy 2 years after discharge of patient.
85-8.3-01	Commitment Order Book, Feeble-minded IC 16-15-1-2	1901-1990	transfer to Archives Division, Indiana Archives and Records Administration 20 years after last entry.
85-8.3-02	Commitment Files, Feeble-minded IC 16-15-1-2	1901-1990	destroy 2 years after discharge of patient.
85-8.4-01	Riley Hosp'l Order Book	1924-1943	transfer to Archives Division, Indiana Archives and Records Administration.
85-8.4-02	Case Files, Riley Hosp'l	1924-1943	destroy.
85-8.5-01	Commitment Files, Children to Public Hospitals	1933-1943	destroy.
85-8.6-01	IU Medical Center Order Book	1939-1943	destroy.
85-8.6-02	Case Files, IU Medical Center	1939-1943	destroy.
85-8.7-01	Record of Receiverships IC 34-2-6-1	1911-1990	destroy 20 years after date of last entry.
85-8.7-02	Files, Receivership Affidavit of Assets and Liabilities	1911-1990	destroy 20 years after filing.
85-8.7-03	Files, Receivership Claims	1911-1990	destroy 20 years after filing.
85-8.8-01R	Drainage Petitions and Case Files	1881-1990	maintain permanently (may microfilm after 10 years).
85-8.8-02R	Drainage Order Book	1881-1990	maintain permanently. May microfilm after 20 years and transfer of originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.

#### GENERAL SCHEDULES (9)

87-9-01	Jury Lists (name slips and lists)	1790- +	maintain for 10 years unless entered in order book. If entered in order book, destroy 2 years after drawing.
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87-9-02R	Order Book, Appellate Court Decisions	c. 1880- + varies	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
87-9-03R	Appellate Court Decisions	1790- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the Division of State Court Administration.
90-9-04	Jury Record (List of Jurors) Serving on Specific Cases/Time Book (ledger)	1853- +	destroy 3 years after volume is filled and after audit by State Board of Accounts.
90-9-05	Jury Questionnaire Forms	1881- +	destroy after 2 years from date of creation.
05-9-06	Documentation supporting juror disqualifications, exemptions, and deferrals	2003--+	retain for a minimum of two (2) years.
05-9-07	Digital Master created in accordance with Administrative Rule 6	2005--+	deposit digital master (regardless of medium [used for generation of microfilm]) with the Indiana Archives and Records Administration Vault for security backup.

#### **TRIAL RULE 77 SCHEDULES (10)**

94-10-01	Case Files	1991- +	Apply existing schedules for each jurisdiction, adjudicated & dismissed.
94-10-02	Indexes	1991- +	Apply existing schedules for each jurisdiction.
94-10-03	Chronological Case Summary (CCS)	1991- +	For all types (except for IF/OV), maintain permanently. May microfilm 5 years after final disposition. If maintained electronically, guarantee capacity to generate hard copy at any time. For IF/OV, destroy 10 years after final disposition.
94-10-04	Record of Designated Judgments and Orders (RJO)	1991	Maintain each type permanently. May microfilm 2 years after completion of volume in accordance with standards set in Administrative Rule 6. If maintained electronically, guarantee capacity to generate hard copy at any time.

#### **Rule 8. Uniform Case Numbering System**

**(A) Application.** All trial courts in the State of Indiana shall use the uniform case numbering system as set forth under this rule.

**(B) Numbering System.** The uniform case numbering system shall consist of four groups of characters arranged in a manner to identify the court, the year/month of filing, the case type and the filing sequence. The following is an example of the case number to be employed:

55C01-1101-CF-000123

- (1) Court Identifier. The first group of five characters shall constitute the county and court identifier. The first and second character in this group shall represent the county of filing employing the following code:

- |                       |                      |                       |
|-----------------------|----------------------|-----------------------|
| 01 Adams County       | 32 Hendricks County  | 63 Pike County        |
| 02 Allen County       | 33 Henry County      | 64 Porter County      |
| 03 Bartholomew County | 34 Howard County     | 65 Posey County       |
| 04 Benton County      | 35 Huntington County | 66 Pulaski County     |
| 05 Blackford County   | 36 Jackson County    | 67 Putnam County      |
| 06 Boone County       | 37 Jasper County     | 68 Randolph County    |
| 07 Brown County       | 38 Jay County        | 69 Ripley County      |
| 08 Carroll County     | 39 Jefferson County  | 70 Rush County        |
| 09 Cass County        | 40 Jennings County   | 71 St. Joseph County  |
| 10 Clark County       | 41 Johnson County    | 72 Scott County       |
| 11 Clay County        | 42 Knox County       | 73 Shelby County      |
| 12 Clinton County     | 43 Kosciusko County  | 74 Spencer County     |
| 13 Crawford County    | 44 LaGrange County   | 75 Starke County      |
| 14 Daviess County     | 45 Lake County       | 76 Steuben County     |
| 15 Dearborn County    | 46 LaPorte County    | 77 Sullivan County    |
| 16 Decatur County     | 47 Lawrence County   | 78 Switzerland County |
| 17 DeKalb County      | 48 Madison County    | 79 Tippecanoe County  |
| 18 Delaware County    | 49 Marion County     | 80 Tipton County      |
| 19 Dubois County      | 50 Marshall County   | 81 Union County       |
| 20 Elkhart County     | 51 Martin County     | 82 Vanderburgh County |
| 21 Fayette County     | 52 Miami County      | 83 Vermillion County  |
| 22 Floyd County       | 53 Monroe County     | 84 Vigo County        |
| 23 Fountain County    | 54 Montgomery County | 85 Wabash County      |
| 24 Franklin County    | 55 Morgan County     | 86 Warren County      |
| 25 Fulton County      | 56 Newton County     | 87 Warrick County     |
| 26 Gibson County      | 57 Noble County      | 88 Washington County  |
| 27 Grant County       | 58 Ohio County       | 89 Wayne County       |
| 28 Greene County      | 59 Orange County     | 90 Wells County       |
| 29 Hamilton County    | 60 Owen County       | 91 White County       |
| 30 Hancock County     | 61 Parke County      | 92 Whitley County     |
| 31 Harrison County    | 62 Perry County      |                       |

The third character in the first group shall represent the court of filing employing the following code:

- C Circuit Court
- D Superior Court
- E County Court
- F Superior Municipal Division
- G Superior Court/Criminal Division
- H City Court
- I Town Court
- J Probate Court
- K Township Small Claims Court

The last two characters of the first group shall distinguish between courts in counties having more than one court of a specific type. The following code sets forth the county and court identifier for all courts:

01C01	Adams Circuit Court	08H01	Carroll/Delphi City Court
01D01	Adams Superior Court	08I01	Carroll/Burlington Town Court (abolished effective April 29, 2014)
02C01	Allen Circuit Court	09C01	Cass Circuit Court
02D01	Allen Superior Court	09D01	Cass Superior Court 1
02D02	Allen Superior Court	09D02	Cass Superior Court 2
02D03	Allen Superior Court	10C01	Clark Circuit Court 1
02D04	Allen Superior Court	10C02	Clark Circuit Court 2 (effective January 1, 2012, formerly Clark Superior Court 2)
02D05	Allen Superior Court	10C03	Clark Circuit Court 3 (effective January 1, 2012, formerly Clark Superior Court 3)
02D06	Allen Superior Court	10C04	Clark Circuit Court 4 (effective January 1, 2012, formerly Clark Superior Court 1)
02D07	Allen Superior Court	10D01	Clark Superior Court 1 (Abolished effective January 1, 2012)
02D08	Allen Superior Court	10D02	Clark Superior Court 2 (Abolished effective January 1, 2012)
02D09	Allen Superior Court	10D03	Clark Superior Court 3 (Abolished effective January 1, 2012)
02H01	Allen/New Haven City Court	10E01	Clark County Court (abolished)
03C01	Bartholomew Circuit Court	10H01	Clark/Charlestown City Court (abolished effective January 1, 2012)
03D01	Bartholomew Superior Court 1	10H02	Clark/Jeffersonville City Court (abolished effective January 1, 2016)
03D02	Bartholomew Superior Court 2	10I01	Clark/Clarksville Town Court
04C01	Benton Circuit Court	10I02	Clark/Sellersburg Town Court (abolished effective January 1, 2012)
05C01	Blackford Circuit Court	11C01	Clay Circuit Court
05D01	Blackford Superior Court	11D01	Clay Superior Court
05E01	Blackford County Court (abolished)	12C01	Clinton Circuit Court
05H01	Blackford/Hartford City City Court (abolished)	12D01	Clinton Superior Court
05H02	Blackford/Montpelier City Court (abolished)	12E01	Clinton County Court (abolished)
06C01	Boone Circuit Court	12H01	Clinton/Frankfort City Court
06D01	Boone Superior Court 1	13C01	Crawford Circuit Court
06D02	Boone Superior Court 2	14C01	Daviess Circuit Court
06H01	Boone/Lebanon City Court (abolished)	14D01	Daviess Superior Court
06I01	Boone/Thorntown Town Court	14E01	Daviess County Court (abolished)
06I02	Boone/Zionsville Town Court		
06I03	Boone/Jamestown Court		
06I04	Boone/Whitestown Town Court		
07C01	Brown Circuit Court		
08C01	Carroll Circuit Court		
08D01	Carroll Superior Court		

15C01	Dearborn Circuit Court	22D03	Floyd Superior Court 3 (effective January 1, 2009)
15D01	Dearborn Superior Court	22E01	Floyd County Court (abolished January 1, 2009)
15D02	Dearborn Superior Court 2	21D01	Fayette Superior Court
15E01	Dearborn County Court (abolished)	23C01	Fountain Circuit Court
15H01	Dearborn/Aurora City Court (abolished effective January 1, 2012)	23H01	Fountain/Attica City Court
15H02	Dearborn/Lawrenceburg City Court	24C01	Franklin Circuit Court 1
16C01	Decatur Circuit Court	24C02	Franklin Circuit Court 2
16D01	Decatur Superior Court	25C01	Fulton Circuit Court
16E01	Decatur County Court (abolished)	25D01	Fulton Superior Court
17C01	DeKalb Circuit Court	25E01	Fulton County Court (abolished)
17D01	DeKalb Superior Court	26C01	Gibson Circuit Court
17D02	DeKalb Superior Court 2	26D01	Gibson Superior Court
17H01	DeKalb/Butler City Court	27C01	Grant Circuit Court
18C01	Delaware Circuit Court	27D01	Grant Superior Court 1
18C02	Delaware Circuit Court 2	27D02	Grant Superior Court 2
18C03	Delaware Circuit Court 3	27D03	Grant Superior Court 3
18C04	Delaware Circuit Court 4	27E01	Grant County Court (abolished)
18C05	Delaware Circuit Court 5	27H01	Grant/Gas City City Court
18D01	Delaware Superior Court 1 (abolished)	27H02	Grant/Marion City Court
18D02	Delaware Superior Court 2 (abolished)	28C01	Greene Circuit Court
18D03	Delaware Superior Court 3 (abolished)	28D01	Greene Superior Court
18D04	Delaware Superior Court 4 (abolished)	28E01	Greene County Court (abolished)
18H01	Delaware/Muncie City Court	29C01	Hamilton Circuit Court
18I01	Delaware/Yorktown Town Court (abolished 4/3/2015)	29D01	Hamilton Superior Court 1
19C01	Dubois Circuit Court	29D02	Hamilton Superior Court 2
19D01	Dubois Superior Court	29D03	Hamilton Superior Court 3
20C01	Elkhart Circuit Court	29D04	Hamilton Superior Court 4
20D01	Elkhart Superior Court 1	29D05	Hamilton Superior Court 5
20D02	Elkhart Superior Court 2	29D06	Hamilton Superior Court 6
20D03	Elkhart Superior Court 3	29E01	Hamilton County Court (abolished)
20D04	Elkhart Superior Court 4 [Goshen]	29H01	Hamilton/Carmel City Court
20D05	Elkhart Superior Court 5 [Elkhart]	29H02	Hamilton/Noblesville City Court
20D06	Elkhart Superior Court 6 [Elkhart]	29H03	Hamilton/Fishers City Court (effective January 1, 2015)
20E01	Elkhart County Court 1 in Elkhart (abolished)	29I01	Hamilton/Fishers Town Court (effective January 1, 2012)(abolished January 1, 2015)
20E02	Elkhart County Court 2 in Goshen (abolished)	30C01	Hancock Circuit Court
20H01	Elkhart/Elkhart City Court	30D01	Hancock Superior Court 1
20H02	Elkhart/Goshen City Court	30D02	Hancock Superior Court 2
20H03	Elkhart/Nappanee City Court	30E01	Hancock county Court (abolished)
21C01	Fayette Circuit Court	31C01	Harrison Circuit Court
22C01	Floyd Circuit Court	31D01	Harrison Superior Court
22D01	Floyd Superior Court 1	31E01	Harrison County Court (abolished)
22D02	Floyd Superior Court 2 (effective January 1, 2009, formerly Floyd County Court)	32C01	Hendricks Circuit Court
		32D01	Hendricks Superior Court 1

32D02	Hendricks Superior Court 2	39E01	Jefferson County Court (abolished)
32D03	Hendricks Superior Court 3	40C01	Jennings Circuit Court
32D04	Hendricks Superior Court 4	40D01	Jennings Superior Court
32D05	Hendricks Superior Court 5	40H01	Jennings/North Vernon city Court (abolished)
32I01	Hendricks/Plainfield Town Court	41C01	Johnson Circuit Court
32I02	Hendricks/Brownsburg Town Court	41D01	Johnson Superior Court 1
32I03	Hendricks/Avon Town Court	41D02	Johnson Superior Court 2
33C01	Henry Circuit Court 1	41D03	Johnson Superior Court 3
33C02	Henry Circuit Court 2 (effective July 1, 2011, formerly Henry Superior Court 1)	41D04	Johnson Superior Court 4 (effective January 1, 2015)
33C03	Henry Circuit Court 3 (effective July 1, 2011, formerly Henry Superior Court 2)	41H01	Johnson/Franklin City Court
33D01	Henry Superior Court 1 (abolished effective July 1, 2011)	41H02	Johnson/Greenwood City Court
33D02	Henry Superior Court 2 (abolished effective July 1, 2011)	41I01	Johnson/New Whiteland Town Court (abolished)
33E01	Henry County Court (abolished)	42C01	Knox Circuit Court
33H01	New Castle City Court	42D01	Knox Superior Court 1
33I01	Henry/Knightstown Town Court (abolished effective October 31, 2011)	42D02	Knox Superior Court 2
34C01	Howard Circuit Court	42E01	Knox County Court (abolished)
34D01	Howard Superior Court 1	42H01	Knox/Bicknell City Court
34D02	Howard Superior Court 2	43C01	Kosciusko Circuit Court
34D03	Howard Superior Court 3	43D01	Kosciusko Superior Court 1
34D04	Howard Superior Court 4	43D02	Kosciusko Superior Court 2
34E01	Howard County Court (abolished)	43D03	Kosciusko Superior Court 3
35C01	Huntington Circuit Court	43E01	Kosciusko County Court (abolished)
35D01	Huntington Superior Court	44C01	LaGrange Circuit Court
35E01	Huntington County Court (abolished)	44D01	LaGrange Superior Court
35I01	Huntington/Roanoke Town Court (abolished)	44E01	LaGrange County Court (abolished)
36C01	Jackson Circuit Court	45C01	Lake Circuit Court
36D01	Jackson Superior Court 1	45D01	Lake Superior Court, Civil Division 1
36D02	Jackson Superior Court 2 (effective January 1, 2008)	45D02	Lake Superior Court, Civil Division 2
36E01	Jackson County Court (abolished)	45D03	Lake Superior Court, Civil Division 3
37C01	Jasper Circuit Court	45D04	Lake Superior Court, Civil Division 4
37D01	Jasper Superior Court	45D05	Lake Superior Court, Civil Division 5
37D02	Jasper Superior Court 2 (abolished)	45D10	Lake Superior Court, Civil Division 6
37I01	Jasper/DeMotte Town Court	45D11	Lake Superior Court, Civil Division 7
37I02	Jasper/Wheatfield Town Court (abolished)	45D06	Lake Superior Court, Juvenile Division
38C01	Jay Circuit Court	45D07	Lake Superior Court, County Division 1
38D01	Jay Superior Court	45D08	Lake Superior Court, County Division 2
38E01	Jay County Court (abolished)	45D09	Lake Superior Court, County Division 3
38H01	Jay/Dunkirk City Court	45D12	Lake Superior Court, County Division 4
38H02	Jay/Portland City Court	45G01	Lake Superior Court, Criminal Division 1
39C01	Jefferson Circuit Court	45G02	Lake Superior Court, Criminal Division 2
39D01	Jefferson Superior Court	45G03	Lake Superior Court, Criminal Division 3
		45G04	Lake Superior Court, Criminal Division 4
		45E01	Lake County Court (abolished)
		45E02	Lake County Court (abolished)



45E03	Lake County Court (abolished)	48I01	Madison/Edgewood Town Court
45H01	Lake/Crown Point City Court	48I02	Madison/Pendleton Town Court
45H02	Lake/East Chicago City Court	49C01	Marion Circuit Court
45H03	Lake/Gary City Court	49D01	Marion Superior Court, Civil Division 1
45H04	Lake/Hammond City Court	49D02	Marion Superior Court, Civil Division 2
45H05	Lake/Hobart City Court	49D03	Marion Superior Court, Civil Division 3
45H06	Lake/Lake Station City Court	49D04	Marion Superior Court, Civil Division 4
45H07	Lake/Whiting City Court	49D05	Marion Superior Court, Civil Division 5
45I01	Lake/Merrillville Town Court	49D06	Marion Superior Court, Civil Division 6
45I02	Lake/Schererville Town Court	49D07	Marion Superior Court, Civil Division 7
45I03	Lake/Lowell Town Court	49D08	Marion Superior Court, Probate Division
46C01	LaPorte Circuit Court	49D09	Marion Superior Court, Juvenile Division
46D01	LaPorte Superior Court 1	49D10	Marion Superior Court, Civil Division 10
46D02	LaPorte Superior Court 2	49D11	Marion Superior Court, Civil Division 11
46D03	LaPorte Superior Court 3 in LaPorte	49D12	Marion Superior Court, Civil Division 12
46D04	LaPorte Superior Court 4 in Michigan City	49D13	Marion Superior Court, Civil Division 13
47C01	Lawrence Circuit Court	49D14	Marion Superior Court, Civil Division 14
47D01	Lawrence Superior Court 1	49F07	Marion Superior Court, Criminal Division 7 (renumbered 49G07 effective 6/6/14)
47D02	Lawrence Superior Court 2	49F08	Marion Superior Court, Criminal Division 8 (renumbered 49G08 effective 6/6/14)
47E01	Lawrence County Court (abolished)	49F09	Marion Superior Court, Criminal Division 9 (renumbered 49G09 effective 6/6/14)
48C01	Madison Circuit Court 1	49F10	Marion Superior Court, Criminal Division 10 (renumbered 49G10 effective 6/6/14)
48C02	Madison Circuit Court 2 (effective July 1, 2011, formerly Madison Superior Court 2)	49F11	Initial Hearing Court (renumbered 49G11 effective 6/6/14)
48C03	Madison Circuit Court 3 (effective July 1, 2011, formerly Madison Superior Court 3)	49F12	Marion Superior Court, Environmental/Community Court (renumbered 49G12 effective 6/6/14)
48C04	Madison Circuit Court 4 (effective July 1, 2011, formerly Madison Superior Court 4)	49F13	Marion Superior Court, Criminal Division 13 (renumbered 49G13 effective 6/6/14)
48C05	Madison Circuit Court 5 (effective July 1, 2011, formerly Madison Superior Court 5)	49F15	Marion Superior Court, Criminal Division 15 (renumbered 49G15 effective 6/6/14)
48C06	Madison Circuit Court 6 (effective July 1, 2011, formerly Madison Superior Court 1)	49F16	Marion Superior Court, Criminal Division 16 (renumbered 49G16 effective 2/1/07)
48D01	Madison Superior Court 1 (abolished effective July 1, 2011)	49F17	Marion Superior Court, Criminal Division 17 (renumbered 49G17 effective 2/1/07)
48D02	Madison Superior Court 2 (abolished effective July 1, 2011)	49F18	Marion Superior Court, Criminal Division 18 (renumbered 49G18 effective 6/6/14)
48D03	Madison Superior Court 3 (abolished effective July 1, 2011)	49F19	Marion Superior Court, Criminal Division 19 (renumbered 49G19 effective 6/6/14)
48D04	Madison Superior Court 4 (effective January 1, 2009, formerly Madison County Court 1) (abolished effective July 1, 2011)	49F24	Marion Superior Court, Criminal Division 24 (renumbered 49G24 effective 6/6/14)
48D05	Madison Superior Court 5 (effective January 1, 2009, formerly Madison County Court 2) (abolished effective July 1, 2011)	49F25	Marion Superior Court, Criminal Division 25 (effective 1/1/2013) (renumbered 49G25 effective 6/6/14)
48E01	Madison County Court 1 (abolished effective January 1, 2009)	49G01	Marion Superior Court, Criminal Division 1
48E02	Madison County Court 2 (abolished effective January 1, 2009)	49G02	Marion Superior Court, Criminal Division 2
48H01	Madison/Alexandria City Court (abolished)	49G03	Marion Superior Court, Criminal Division 3
48H02	Madison/Anderson City Court		
48H03	Madison/Elwood City Court		

49G04	Marion Superior Court, Criminal Division 4	50E01	Marshall County Court (abolished)
49G05	Marion Superior Court, Criminal Division 5	50H01	Marshall/Plymouth City Court (abolished)
49G06	Marion Superior Court, Criminal Division 6	50I01	Marshall/Argos Town Court (abolished)
49G07	Marion Superior Court, Criminal Division 7	51C01	Martin Circuit Court
49G08	Marion Superior Court, Criminal Division 8	51H01	Martin/Loogootee City Court (abolished)
49G09	Marion Superior Court, Criminal Division 9	52C01	Miami Circuit Court
49G10	Marion Superior Court, Criminal Division 10	52D01	Miami Superior Court 1
49G11	Initial Hearing Court	52D02	Miami Superior Court 2
49G12	Marion Superior Court, Environmental/ Community Court	52H01	Miami/Peru City Court
49G13	Marion Superior Court, Criminal Division 13	52I01	Miami/Bunker Hill Town Court
49G14	Marion Superior Court, Criminal Division 14	53C01	Monroe Circuit Court 1
49G15	Marion Superior Court, Criminal Division 15	53C02	Monroe Circuit Court 2
49G16	Marion Superior Court, Criminal Division 16	53C03	Monroe Circuit Court 3
49G17	Marion Superior Court, Criminal Division 17	53C04	Monroe Circuit Court 4
49G18	Marion Superior Court, Criminal Division 18	53C05	Monroe Circuit Court 5
49G19	Marion Superior Court, Criminal Division 19	53C06	Monroe Circuit Court 6
49G20	Marion Superior Court, Criminal Division 20	53C07	Monroe Circuit Court 7
49G21	Marion Superior Court, Criminal Division 21	53C08	Monroe Circuit Court 8
49G22	Marion Superior Court, Criminal Division 22 (renumbered 49F25 effective 1/1/2013)	53C09	Monroe Circuit Court 9
49G23	Marion Superior Court, Criminal Division 23	53D01	Monroe Superior Court (abolished)
49G24	Marion Superior Court, Criminal Division 24	53D02	Monroe Superior Court (abolished)
49G25	Marion Superior Court, Criminal Division 25	53D03	Monroe Superior Court (abolished)
49H01	Marion/Beech Grove City Court	53D04	Monroe Superior Court (abolished)
49I01	Marion/Cumberland Town Court	53D05	Monroe Superior Court (abolished)
49K01	Marion County Small Claims Court, Center Division	54C01	Montgomery Circuit Court
49K02	Marion County Small Claims Court, Decatur Division	54D01	Montgomery Superior Court
49K03	Marion County Small Claims Court, Lawrence Division	54D02	Montgomery Superior Court 2
49K04	Marion County Small Claims Court, Perry Division	54E01	Montgomery County Court (abolished)
49K05	Marion County Small Claims Court, Pike Division	54H01	Montgomery/Crawfordsville City Court (abolished)
49K06	Marion County Small Claims Court, Warren Division	55C01	Morgan Circuit Court
49K07	Marion County Small Claims Court, Washington Division	55D01	Morgan Superior Court 1
49K08	Marion County Small Claims Court, Wayne Division	55D02	Morgan Superior Court 2
49K09	Marion County Small Claims Court, Franklin Township	55D03	Morgan Superior Court 3
50C01	Marshall Circuit Court	55E01	Morgan County Court (abolished)
50D01	Marshall Superior Court 1	55H01	Morgan/Martinsville City Court
50D02	Marshall Superior Court 2	55I01	Morgan/Mooresville Town Court
		56C01	Newton Circuit Court
		56D01	Newton Superior Court
		57C01	Noble Circuit Court
		57D01	Noble Superior Court 1
		57D02	Noble Superior Court 2 7/1/1999
		57E01	Noble County Court (to be abolished) 7/1/1999
		57I01	Noble/Avilla Town Court (abolished)
		57I02	Noble/Cromwell Town Court (abolished)

58C01	Ohio Circuit Court	71D01	St. Joseph Superior Court
58D01	Ohio Superior Court (abolished effective January 1, 2009)	71D02	St. Joseph Superior Court
59C01	Orange Circuit Court	71D03	St. Joseph Superior Court
59D01	Orange Superior Court	71D04	St. Joseph Superior Court
59E01	Orange County Court (abolished)	71D05	St. Joseph Superior Court
60C01	Owen Circuit Court 1	71D06	St. Joseph Superior Court
60C02	Owen Circuit Court 2 (effective January 1, 2015)	71D07	St. Joseph Superior Court
61C01	Parke Circuit Court	71D08	St. Joseph Superior Court
62C01	Perry Circuit Court	71I01	St. Joseph/Walkerton Town Court
62H01	Perry/Cannelton Town Court (abolished)	71J01	St. Joseph Probate Court
62H02	Perry/Tell City City Court (abolished)	72C01	Scott Circuit Court
63C01	Pike Circuit Court	72D01	Scott Superior Court
63H01	Pike/Petersburg City Court (abolished)	72E01	Scott County Court (abolished)
64C01	Porter Circuit Court	73C01	Shelby Circuit Court
64D01	Porter Superior Court 1	73D01	Shelby Superior Court 1
64D02	Porter Superior Court 2	73D02	Shelby Superior Court 2
64D03	Porter Superior Court 3	73E01	Shelby County Court (abolished)
64D04	Porter Superior Court 4	74C01	Spencer Circuit Court
64D05	Porter Superior Court 5 (Circuit Judge)	74H01	Spencer/Rockport City Court (abolished)
64D06	Porter Superior Court 6	75C01	Starke Circuit Court
64E01	Porter County Court (abolished)	75H01	Starke/Knox City Court
64I01	Porter/Chesterton Town Court (abolished)	76C01	Steuben Circuit Court
65C01	Posey Circuit Court	76D01	Steuben Superior Court
65D01	Posey Superior Court	76E01	Steuben County Court (abolished)
65E01	Posey County Court (abolished)	76I01	Steuben/Fremont Town Court
66C01	Pulaski Circuit Court	77C01	Sullivan Circuit Court
66D01	Pulaski Superior Court	77D01	Sullivan Superior Court
66E01	Pulaski County Court (abolished)	77E01	Sullivan County Court (abolished)
67C01	Putnam Circuit Court	78C01	Switzerland Circuit Court
67D01	Putnam Superior Court	78D01	Switzerland Superior Court (abolished effective January 1, 2009)
67E01	Putnam County Court (abolished)	79C01	Tippecanoe Circuit Court
68C01	Randolph Circuit Court	79D01	Tippecanoe Superior Court 1
68D01	Randolph Superior Court	79D02	Tippecanoe Superior Court 2
68E01	Randolph County Court (abolished)	79D03	Tippecanoe Superior Court 3
68H01	Randolph/Winchester City Court	79D04	Tippecanoe Superior Court 4
68H02	Randolph/Union City City Court	79D05	Tippecanoe Superior Court 5
69C01	Ripley Circuit Court	79D06	Tippecanoe Superior Court 6
69D01	Ripley Superior Court	79H01	Tippecanoe/West Lafayette City Court
69H01	Ripley/Batesville City Court	80C01	Tipton Circuit Court
69I01	Ripley/Versailles Town court	80H01	Tipton/Tipton City Court
70C01	Rush Circuit Court	80I01	Tipton/Sharpsville Town Court
70D01	Rush Superior Court	81C01	Union Circuit Court
70E01	Rush County Court (abolished)	82C01	Vanderburgh Circuit Court
71C01	St. Joseph Circuit Court	82D01	Vanderburgh Superior Court
		82D02	Vanderburgh Superior Court

82D03	Vanderburgh Superior Court	86C01	Warren Circuit Court
82D04	Vanderburgh Superior Court	87C01	Warrick Circuit Court
82D05	Vanderburgh Superior Court	87D01	Warrick Superior Court 1
82D06	Vanderburgh Superior Court	87D02	Warrick Superior Court 2
82D07	Vanderburgh Superior Court	88C01	Washington Circuit Court
83C01	Vermillion Circuit Court	88D01	Washington Superior Court
83H01	Vermillion/Clinton City Court	88H01	Washington/Salem City Court (abolished)
84C01	Vigo Circuit Court	89C01	Wayne Circuit Court
84D01	Vigo Superior Court 1	89D01	Wayne Superior Court 1
84D02	Vigo Superior Court 2	89D02	Wayne Superior Court 2
84D03	Vigo Superior Court 3 (Circuit Judge)	89D03	Wayne Superior Court 3
84D04	Vigo Superior Court 4	89D03	Wayne Superior Court 4 (transfer judge)
84D05	Vigo Superior Court 5	89I01	Wayne/Hagerstown Town Court
84D06	Vigo Superior Court 6	90C01	Wells Circuit Court
84E04	Vigo County Court, Division 4 (abolished)	90D01	Wells Superior Court
84E05	Vigo County Court, Division 5 (abolished)	90H01	Wells/Bluffton City Court
(84E01, 84E02, and 84E03 not used)		91C01	White Circuit Court
84H01	Vigo/Terre Haute City Court	91D01	White Superior Court
85C01	Wabash Circuit Court	91I01	White/Monon Town Court (abolished effective January 1, 2011)
85D01	Wabash Superior Court	92C01	Whitely Circuit Court
85E01	Wabash County Court (abolished)	92D01	Whitley Superior Court
85H01	Wabash/Wabash City Court		
85I01	Wabash/N. Manchester Town Court (abolished effective January 1, 2012)		

- (2) Year/Month of Filing. The second group of four characters shall represent the year and month of filing. As shown above, digits one and two of this group denote the last two digits of the calendar year and digits three and four reflect the month of filing.
- (3) Case type. The third group of two characters shall designate the type of proceeding utilizing the following case classification code:

MR--	Murder
CF--	Criminal Felony (New CF case numbers shall not be issued after 12/31/2001. CF cases filed prior to 1/1/2002 shall continue to bear the CF case type designation.)
FA--	Class A Felony (to be used for crimes committed on or before 6/30/2014)
FB--	Class B Felony (to be used for crimes committed on or before 6/30/2014)
FC--	Class C Felony (to be used for crimes committed on or before 6/30/2014)
FD--	Class D Felony (to be used for crimes committed on or before 6/30/2014)
F1--	Level 1 Felony (to be used for crimes committed on or after 7/1/2014)
F2--	Level 2 Felony (to be used for crimes committed on or after 7/1/2014)
F3--	Level 3 Felony (to be used for crimes committed on or after 7/1/2014)
F4--	Level 4 Felony (to be used for crimes committed on or after 7/1/2014)
F5--	Level 5 Felony (to be used for crimes committed on or after 7/1/2014)
F6--	Level 6 Felony (to be used for crimes committed on or after 7/1/2014)
PC--	Post Conviction Relief Petition
CM--	Criminal Misdemeanor
MC--	Miscellaneous Criminal
IF--	Infraction

OV--	Local Ordinance Violation
OE--	Exempted Ordinance Violation
CT--	Civil Tort
CP--	Civil Plenary (New CP case numbers shall not be issued after 12/31/2001. CP cases filed before 1/1/2002 shall continue to bear the CP case type.)
PL--	Civil Plenary (Civil Plenary cases filed after 1/1/2002--All Civil cases except those otherwise specifically designated)
CC--	Civil Collection
MF--	Mortgage Foreclosure
MI--	Miscellaneous (Civil cases other than those specifically identified--i.e. change of name, appointment of appraisers, marriage waivers, etc.)
CB--	Court Business record--i.e. court orders that refer to non-case matters such as the appointment of judge pro tem, drawing the jury, etc.
RS--	Reciprocal Support
SC--	Small Claim
DR--	Domestic Relation (Includes Dissolution of Marriage, Annulment, and Legal Separation) (New DR case numbers shall not be issued after 12/31/2016. DR cases filed before 1/1/2017 shall continue to bear the DR case type.)
DC--	Domestic Relations with Children (to be used for cases filed on or after 1/1/2017)
DN--	Domestic Relations No Children (to be used for cases filed on or after 1/1/2017)
MH--	Mental Health
XP--	Expungement Petition (for petitions filed under I.C. 35-38-9)
AD--	Adoption
ES--	Estate, Supervised
EU--	Estate, Unsupervised
EM--	Estate, Miscellaneous
GU--	Guardianship
TR--	Trust
JC--	Juvenile CHINS
JD--	Juvenile Delinquency
JS--	Juvenile Status
JT--	Juvenile Termination of Parental Rights
JP--	Juvenile Paternity
JM--	Juvenile Miscellaneous
PO--	Order of Protection
TS--	Application for Judgment in a Tax Sale
TP--	Verified Petition for Issuance of a Tax Deed

Separate dockets need not be maintained for each type.

- (4) Filing Sequence. The fourth group shall consist of six (6) characters assigned sequentially to a case when it is filed. It shall begin with a "000001" at the beginning of each year for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) and continue sequentially until the end of the year. No court is required to change to using six (6) characters in the fourth group to the extent that it requires re-programming that court's existing electronic case management system. The same sequence for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) shall be used in common for all circuit, probate and superior courts within a county using the same case

management system. No court is required to use the same sequence in common to the extent that it requires re-programming that court's existing electronic case management system.

- (C) **Transferring Cases Between Courts Within County.** Whenever a case is transferred between circuit, probate or superior courts within the same county, only the court identifier in the first group of characters in the case number shall be changed. No change shall be made to the fourth group of characters in the case number. The following is an example of how a case number should appear before and after the case has been transferred from one court to another:

55C01-1101-CF-000123 (Case number as it appears in originating court).

55D02-1101-CF-000123 (Case number as it appears in court to which case transferred).

The restriction prohibiting a change to the fourth group of characters does not apply to the extent that implementation of this restriction would require re-programming of the court's existing electronic case management system.

#### *Commentary*

*The following changes to the uniform case numbering system shall take effect January 1, 2011:*

- 1. Administrative Rule 8(2) is amended to require that any case number must contain the month in which a case is filed. (Previously, including the month of filing was optional.) The reason for this change is to facilitate the collection of case filing statistics for periods of time of less than one year.*
- 2. Administrative Rule 8(4) is amended to require that the fourth group of characters (the "filing sequence") in a case number consist of six (6) characters. (Previously, the filing sequence could contain any number of characters up to six (6)). The reasons for this change are to, first, facilitate on-line searches for cases and, second, achieve greater statewide uniformity in the case numbering system. No court is required to comply with this change to the extent that it would require re-programming of that court's existing electronic case management system. In the process of converting a court's legacy data to a new case management system, the filing sequence may be expanded to consist of six (6) characters.*
- 3. Administrative Rule 8(4) is further amended to require that the same sequence for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) shall be used in common for all circuit and superior courts within a county using the same case management system. (Previously, each court could use its own filing sequence). In addition, Administrative Rule 8 is further amended by adding a new paragraph "C" providing that when a case is transferred between any circuit, probate, and superior court in the same county, only the court identifier is to be changed; the filing sequence is to remain the same. The reason for these changes is to facilitate the transfer of cases between courts in the same county. Without this change, two cases may, after a transfer, have the same case number, requiring a new filing sequence to be assigned. For example, under current practice, C Felony cases could be filed in Circuit and Superior Courts in Morgan County under case numbers 55C01-1101-CF-000123 and 55D01-1101-CF-000123. Absent this amendment, if the case in Circuit Court is transferred to Superior Court, there would be two cases in Superior Court with the case number 55C01-1101-CF-000123. This change will also achieve greater statewide uniformity in the case numbering system. No court is required to comply with this change to the extent that it would require re-programming of that court's existing electronic case management system.*

#### **Rule 8.1. Uniform Appellate Case Numbering System**

- (A) **Application.** The Clerk of the Supreme Court shall use the uniform case numbering system set forth below for cases filed in the Supreme Court, Court of Appeals and Tax Court.
- (B) **Numbering System.** The uniform appellate case numbering system shall consist of four groups of characters arranged in a manner to identify the court, the year/month of filing, the case type and the filing sequence. The following is an example of the case number to be employed:

55S00-0804-SJ-001

- (1) *Court Identifier.* In cases filed in the Supreme Court and the Court of Appeals, and in inheritance tax cases and original tax appeals filed in the Tax Court, the first group of five characters shall constitute the county and the court identifier. The first and second character in this group shall represent the county of the court from which the case is being appealed or the original action arose;

the county where the original inheritance tax action arose; or the county designated in the written election filed by the taxpayer in an original tax appeal, or otherwise designated as set forth in Indiana Tax Rule 8(A), employing the same code set forth in Administrative Rule 8(B)(1). For the cases noted below, the following topic codes will be used in place of county codes:

93 Appeals from agency actions pursuant to IC 4-21.5-5 *et seq.*

94 Certified Questions, Rule Amendments, and other miscellaneous matters

98 Disciplinary matters involving out-of-state attorneys.

The third character in the first group shall represent the court in which the proceeding is being filed employing the following codes:

S Supreme Court

A Court of Appeals

T Tax Court

The last two characters of the first group shall distinguish between geographical districts set forth in IC 33-25-1-2 from which the case is being appealed or being assigned in the Court of Appeals, and additional cases and other matters handled by the Supreme Court and the Tax Court, employing the following codes:

00 Administrative/Other matters handled by the Supreme Court, including, but not limited to, Attorney Disciplinary matters, Judicial Disciplinary matters, Special Judge assignments, Senior Judge assignments and Rule amendments.

01 First District: Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Fountain, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

02 Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

03 Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

04 The entire state constitutes the Fourth District.

05 The entire state constitutes the Fifth District.

10 Cases appealed to the Tax Court.





- (2) Year/Month of Filing. The second group of four characters shall represent the year and month of filing. As shown above, the first and second characters of this group denote the last two digits of the calendar year and the third and fourth characters reflect the month of filing.
- (3) Case Type. The third group of two characters shall designate the type of proceeding.
  - i. The following codes shall be used for matters originating in the Supreme Court:
    - BL Board of Law Examiners
    - CO Contempt Proceedings
    - CQ Certified Questions
    - DI Attorney Discipline
    - JD Judicial Discipline
    - MS Miscellaneous Matters
    - OR Original Actions
    - SJ Special Judges
  - ii. In appeals, the same case type code used in the lower court, as specified in Administrative Rule 8(B)(3), shall be used except as indicated below:
    - EX Appeals in certain administrative proceedings
    - TA Appeals from the Tax Court

- DP Direct capital appeals
- PD Post-conviction capital appeals
- LW Direct Life without Parole (LWOP) appeals
- CR Direct appeals (non-capital, non-LWOP)
- PC Post-conviction appeals (non-capital)
- SD Requests to file successive capital post-conviction petitions
- SP Requests to file successive post-conviction petitions (non-capital)
- JV Juvenile delinquency appeals with a trial court designation of "JD".

- (4) **Filing Sequence.** The fourth group may consist of any number of characters assigned sequentially to a case when it is filed. It shall begin with "1" at the beginning of each year for each case classification and continue sequentially until the end of the year. The number of cases filed within a given classification will determine the number of digits in this group.

**Rule 9. Access to Court Records**

Forms

-  [Prospective Attorney’s Assurance of Confidentiality for Juvenile Paternity Cases](#)
-  [Form 9-G1 Administrative Rule 9\(G\)\(5\) Notice of Exclusion of Confidential Information from Public Access](#) (FILED WITH TRIAL COURT CLERK)
-  [Form 9-G2 Administrative Rule 9\(G\)\(5\) Notice of Exclusion of Confidential Information from Public Access](#) (TENDERED IN OPEN COURT)
-  [Form 9-G3 Notice of Exclusion of Confidential Information](#) (that is not necessary to the disposition of the case)

**(A) Scope and Purposes.**

- (1) Pursuant to the inherent authority of the Indiana Supreme Court and pursuant to Indiana Code § 5-14-3-4(a)(8), this rule governs public access to, and confidentiality of, Court Records. Except as otherwise provided by this rule, access to Court Records shall be governed by the Indiana Access to Public Records Act (Indiana Code § 5-14-3-1, et. seq.).
- (2) The purposes of this rule are to:
  - (a) Contribute to public safety;
  - (b) Protect individual Due Process rights and privacy interests;
  - (c) Minimize the risk of injury to individuals;
  - (d) Promote accessibility to Court Records;
  - (e) Promote governmental accountability and transparency;
  - (f) Protect proprietary business information; and
  - (g) Make the most effective use of Court and Clerk of Court staff.
- (3) This rule applies only to Court Records as defined in this rule and does not authorize or prohibit access to information gathered, maintained, or stored by a non-judicial governmental agency or other entity.
- (4) Disputes arising under this rule shall be determined in accordance with this and, to the extent not inconsistent with this rule, by all other rules of procedure, evidence, and appeal.
- (5) This rule applies to all Court Records; however, Clerks or Court and courts need not redact or restrict information that was otherwise public in Case Records and Court Administrative Records created before January 1, 2005.



## Commentary

*The objective of this rule is to provide maximum public accessibility to Court Records, taking into account public policy interests that are not always fully compatible with unrestricted access. The public policy interests listed above are in no particular order. This rule attempts to balance competing interests and recognizes that unrestricted access to certain information in Court Records could result in an unwarranted invasion of personal privacy or unduly increase the risk of injury to individuals and businesses. This rule recognizes there are strong societal reasons for allowing Public Access to Court Records and denial of access could compromise the judiciary's role in society, inhibit accountability, and endanger public safety.*

*This rule starts from the presumption of open Public Access to Court Records. In some circumstances; however, there may be sound reasons for restricting access to these records. This rule recognizes that there are times when access to information may lead to, or increase the risk of, harm to individuals. However, given the societal interests in access to Court Records, this rule also reflects the view that any restriction to access must be implemented in a manner tailored to serve the interests in open access. It is also important to remember that, generally, at least some of the parties in a court case are not in court voluntarily, but rather have been brought into court by plaintiffs or by the government. A person who is not a party to the action may also be mentioned in the Court Record. Care should be taken that the privacy rights and interests of such involuntary parties or 'third' persons are not unduly compromised.*

*Subsection (A)(3) is intended to assure that Public Access provided under this Rule does not apply to information gathered, maintained or stored by other agencies or entities that is not necessary to, or is not part of the basis of, a court's decision or the judicial process. Access to this information is governed by the law and the access policy of the agency collecting and maintaining such information. The ability of a computer in a court or clerk's office to access the information because the computer uses shared software and databases does not, by itself, make the information subject to this rule.*

*The Division of State Court Administration may provide advisory information to individuals or entities about the provisions, restrictions, and limitations of this rule.*

### **(B) Who Has Access Under This Rule.**

- (1) All persons have access to Court Records as provided in this rule, except as provided in section (B)(2) of this rule.
- (2) The following persons, in accordance with their functions within the judicial system, may have greater access to Court Records:
  - (a) Court, Court agency or Clerk of Court employees, including courts of the United States of America and their related court agencies and clerk of court employees;
  - (b) private or governmental persons or entities who assist a court in providing court services;
  - (c) public agencies whose access to Court Records is defined by other statutes, rules, orders or policies;
  - (d) the parties to a case or their lawyers with respect to their own case; and
  - (e) prospective lawyers in juvenile paternity cases and the lawyers' agents, upon the lawyer's filing with the court an *Assurance of Confidentiality* in substantial compliance with the form appended to this Rule.

## Commentary

*Subsection (B)(1) provides the general rule that all persons, including members of the general public, the media, and commercial and noncommercial entities, are entitled to the same basic level of access to Court Records. Access to Court Records is not determined by who is seeking access or the purpose for seeking access, although some users, such as court employees or the parties to a particular case, may have greater access to those particular records than is afforded the general public.*

*Subsection (B)(2) provides the exception to the general rule and specifies the entities and persons for whom courts may provide greater access. This greater level of access is a result of the need for effective management of the judicial system and the protection of the right to a fair trial.*

*The means of access may depend upon the form in which the Court Record exists. Certain circumstances relating to compilation or Bulk Distribution of information gleaned from Court Records may affect access to Court Records.*

**(C) Definitions. For purpose of this rule:**

- (1) “Court Record” means both Case Records and Court Administrative Records.
- (2) “Case Record” means any document, information, data, or other item created, collected, received, or maintained by a Court, Court agency or Clerk of Court in connection with a particular case.
- (3) “Court Administrative Record” means any document, information, data, or other item created, collected, received, or maintained by a Court, Court agency, or Clerk of Court pertaining to the administration of the judicial branch of government and not associated with any particular case.
- (4) “Court” means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, City, Town, or Small Claims Courts.
- (5) “Clerk of Court” means the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, the Clerk of a Circuit, Superior, or Probate Court, the Clerk of a City or Town Court, and the Clerk of a Marion County Small Claims Court, including staff.
- (6) “Public Access” means the process whereby a person may inspect and copy a Court Record.
- (7) “Remote Access” means the ability of a person to inspect and copy information in a Court Record in electronic form through an electronic means.
- (8) “In Electronic Form” means any information in a Court Record in a form that is readable through the use of an electronic device, regardless of the manner in which it was created.
- (9) “Bulk Distribution” means the distribution of all, or a significant subset of, the information in Court Records in electronic form, as is, and without modification or compilation.
- (10) “Compiled Information” means information that is derived from the selection, aggregation or reformulation of some of all, or a subset of all, the information from more than one individual Court Record in electronic form.

*Commentary*

*“Case Record” refers to records connected with a particular case. It does not include other records maintained by the Clerk of Court, including, but not limited to, election records, marriage and other license functions; copies of notary bonds; oaths and certificates of public officials other than oaths of judicial officers and attorneys; lists, including those for distressed sales, licensed child placing agencies; reports of perpetual care of cemetery endowment accounts; and certificates of inspection and compliance of chemicals and chemical tests results and certifications of breath test operators; delinquency personal property taxes; hunting and fishing licenses; conflict of interest statements, passports; and the filing of reports from state agencies, such as the Alcohol Licensing Board.*

*The definition of Case Record is medium neutral and access neutral, and is intended to apply to every Case Record, regardless of the manner in which it was created, the form(s) in which it is stored, or other form(s) in which the information may exist.*

*A “Court Administrative Record” may include, but not be limited to, the roll of attorneys, rosters of medical review panels and group legal services, records relating to elections to the Judicial Nominating Commission, statistical reports, local Court rules, jury pool list records, general court orders, budget and expenditure records, and record of receipts of funds. The term “Court agency” in subsection (C)(3) includes without limitation the Indiana Judicial Center and the Judicial Conference of Indiana.*

**(D) General Access Rule.**

- (1) A Court Record is accessible to the public except as provided in section 9(G).
- (2) This rule applies to all Court Records, regardless of the manner of creation, method of collection, form of storage, or the form in which the record is maintained.
- (3) If a Court Record, or portion thereof, is excluded from public access, there shall be a publicly accessible indication of the fact of exclusion but not the content of the exclusion. This sub-section (3)

does not apply to court proceedings or Court Administrative Records which are confidential pursuant to law.

- (4) A Court may manage access to audio and video recordings of its proceedings to the extent appropriate to avoid substantial interference with the resources or normal operation of the court and to comply with Indiana Judicial Conduct Rule 2.17 [former Canon 3(B)(13)]. This provision does not operate to deny to any person the right to access a Court Record under Rule 9(D)(1).

*Commentary*

*The objective of this section is to make it clear that this rule applies to information in the Court Record regardless of the manner in which the information was created, collected or submitted to the court. Application of this rule is not affected by the means of storage, manner of presentation or the form in which information is maintained. To support the general principle of open access, the application of the rule is independent of the technology or the format of the information.*

*Subsection (D)(3) requires that any and all redactions be identified. The phrase “not-public information” or an equivalent designation may be used.*

**(E) Remote Access and Fees.** Courts should endeavor to make at least the following information, when available in electronic form, remotely accessible to the public unless public access is restricted pursuant to section 9(G):

- (1) Litigant/party indexes to cases filed with the Court;
- (2) Listings of new case filings, including the names of the parties;
- (3) The Chronological Case Summary of cases;
- (4) Calendars or dockets of Court proceedings, including case numbers and captions, date and time of hearings, and location of hearings;
- (5) Judgments, orders, or decrees.

Upon the request and at an amount approved by the majority of judges of courts of record in the county, the County Board of Commissioners may adopt an electronic system fee to be charged in conjunction with electronic access to Court Records. The fee must be approved by the Division of State Court Administration. In the instance of records from multiple courts, the Supreme Court may adopt such a fee. The method of the fee's collection, deposit, distribution and accounting must be approved by the Indiana State Board of Accounts.

*Commentary*

*In addition to any fees charged under this rule, Sections (C)(9) and (10) provide that courts may charge for the fair market value of bulk and compiled information. This rule does not impose an affirmative obligation to preserve information or data or to transform information or data received into a format or medium that is not otherwise routinely maintained by the court. While this section encourages courts to make the designated information available to the public through remote access, this is not required, even if the information already exists in an electronic format.*

**(F) Bulk Distribution and Compiled Information.**

- (1) Upon written request as provided in this section (F), Bulk Distribution or Compiled Information that is not excluded by Section 9(G) of this rule may be provided.
- (2) Except as provided in (c):
  - (a) Requests for Bulk Distribution or Compiled Information shall be made to the Executive Director of the Division of State Court Administration or other designee of the Indiana Supreme Court. The Executive Director or other designee may forward such request to a Court exercising jurisdiction over the records, and in the instance of records from multiple Courts, to the Indiana Supreme Court, for further action. Requests will be acted upon or responded to within a reasonable period of time.
  - (b) The Executive Director of the Division of State Court Administration or other designee of the Indiana Supreme Court may, summarily and without execution of a User Agreement, approve a request for compiled information made by individuals or entities having a substantial interest or a bona fide

research activity for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes, provided the requested data:

- will not be resold;
- will not be used for a commercial purpose;
- does not contain confidential data;
- is not bulk (raw) data and
- does not contain financial data.

- (c) Courts and clerks within a judicial circuit may provide nonconfidential, compiled information from their case management system in response to a news media request for information that is normally available to the public via public access.
- (3) With respect to requests for Case Record information not excluded from Public Access by Section 9(G) of this rule, the request for Bulk Distribution or Compiled Information may be denied by the Executive Director, designee or a court of a judicial circuit using a case management system other than Odyssey upon determination that the information sought is not consistent with the purposes of this rule, that resources are not available to prepare the information, and that fulfilling the request is an inappropriate use of public resources. The grant of said request may be made contingent upon the requestor paying an amount which the Court determines is the fair market value of the information.
- (4) With respect to requests for Bulk Distribution or Compiled Information that include information excluded from Public Access pursuant to Section 9(G) of this rule:
- (a) such requests must be verified and can only be made by individuals or entities having a substantial interest or a bona fide research activity for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes, and wherein the identification of specific individuals is ancillary to the purpose of the inquiry. Each request under this sub-section (4) must:
- (i) fully identify the requestor and describe the requestor's interest and purpose of the inquiry;
  - (ii) identify what information is sought;
  - (iii) describe the purpose for requesting the information and explain how the information will benefit the public interest or public education;
  - (iv) explain provisions for the secure protection of any information requested to which Public Access is restricted or prohibited;
  - (v) provide for individual notice to all persons affected by the release of information, unless, upon prior notice to the Indiana Attorney General and a reasonable opportunity to respond, such individual notice requirement is waived by the Supreme Court;
  - (vi) demonstrate by clear and convincing evidence that the public interest will be served by allowing access, that denying access will create a serious and imminent danger to the public interest, or that denying access will cause a substantial harm to a person or third parties.
- (b) Upon receiving a request pursuant to this sub-section (F)(4), the Supreme Court may permit objections by persons affected by the release of information, unless individual notice required under (F)(4)(a)(v) is waived by the Supreme Court.
- (c) The request may be granted only upon determination by the Supreme Court that the information sought is consistent with the purposes of this rule, that resources are available to prepare the information, and that fulfilling the request is an appropriate use of public resources, and further upon finding by clear and convincing evidence that the requestor satisfies the requirements of subsection (F)(4)(a), and that the purposes for which the information is sought substantially outweighs the privacy interests protected by this rule. An order granting a request under this subsection may specify particular conditions or requirements for use of the information, including without limitation:
- (i) The confidential information will not be sold or otherwise distributed, directly or indirectly, to third parties;
  - (ii) The confidential information will not be used directly or indirectly to sell a product or service to an individual or the general public;

- (iii) The confidential information will not be copied or duplicated other than for the stated scholarly, journalistic, political, governmental, research, evaluation, or statistical purpose; and
  - (iv) The requestor must pay reasonable costs of responding to the request, as determined by the Court.
- (d) When the request includes release of social security numbers, dates of birth, or addresses, the information provided may include only the last four digits of social security numbers, only the year of birth, and only the zip code of addresses. The restrictions on release of social security numbers, dates of birth, and addresses may be waived only upon a petition to the Executive Director of the Division of State Court Administration and a finding of exceptional circumstances by the Indiana Supreme Court.

#### *Commentary*

*Section (F)(3) authorizes Courts, in their discretion, to provide access to Bulk Distribution and Compiled Information that is accessible to the public. It does not require that such information be made available. Permitting Bulk Distribution or Compiled Information should not be authorized if providing the data will interfere with the normal operations of the court.*

*In allowing bulk or compiled data requests, Courts must limit bulk data to Court Records, even if those requesting this information are seeking other information which is governed by other agencies' policies.*

*Generating compiled data may require Court resources and generating the Compiled Information may compete with the normal operations of the Court for resources, which may be a reason for the Court not to compile the information. However, it may be less demanding on Court resources to instead provide Bulk Distribution of the requested information pursuant to section (D)(3), and let the requestor, rather than the Court, compile the information. Courts may charge for the fair market value of bulk or Compiled Information provided under Section (F)(3).*

*Section (F)(4) allows only the Supreme Court to grant requests for bulk or Compiled Information that is excluded from Public Access and only when the request is made by research and/or governmental entities. The general intent of (F)(4)(d) is that the last four digits of social security numbers and years of birth, rather than entire birth dates and social security numbers, are sufficient for matching records and to ensure that someone is correctly identified in bulk or compiled records. Courts should provide more complete social security numbers or other identifying information only in extraordinary circumstances.*

#### **(G) Excluding Court Records From Public Access.**

- (1) *Court Records That Must Be Excluded From Public Access In Entirety.* The following must be excluded from Public Access:
  - (a) Entire cases where all Court Records are declared confidential by statute or other court rule;
  - (b) Entire cases where all Court Records are sealed in accordance with the Access to Public Records Act (I.C. § 5-14-3-5.5);
  - (c) Entire cases where all Court Records are excluded from Public Access by specific Court order entered in accordance with 9(G)(4).
  - (d) All Mental health cases filed pursuant to I.C. § 12- 26.
- (2) *Individual Case Records That Must Be Excluded From Public Access.* The following must be excluded from Public Access:
  - (a) Case Records declared confidential or excluded from Public Access pursuant to federal law;
  - (b) Case Records excluded from Public Access or declared confidential by Indiana statute or other court rule;
  - (c) Case Records excluded from Public Access pursuant to 9(G)(1) or by specific Court order entered in accordance with 9(G)(4);
  - (d) Case Records sealed in accordance with the Access to Public Records Act (I.C. § 5-14-3-5.5);
  - (e) Case Records for which a statutory or common law privilege has been asserted and not waived or overruled;

- (f) Complete Social Security Numbers of living persons;
  - (g) With the exception of names, information such as addresses (mail or e-mail), phone numbers, and dates of birth which explicitly identifies:
    - (i) natural persons who are witnesses or victims (not including defendants) in criminal, domestic violence, stalking, sexual assault, juvenile, or civil protection order proceedings, provided that juveniles who are victims of sex crimes shall be identified by initials only;
    - (ii) places of residence of judicial officers, clerks and other employees of courts and clerks of court, unless the person or persons about whom the information pertains waives confidentiality;
  - (h) Complete account numbers of specific assets, loans, bank accounts, credit cards, and personal identification numbers (PINs);
  - (i) All personal notes, e-mail, and deliberative material of judges, jurors, court staff, and judicial agencies, and information recorded in personal data assistants (PDAs) or organizers and personal calendars.
  - (j) Arrest warrants, search warrants, indictments, and informations ordered confidential by the trial judge, prior to return of duly executed service.
  - (k) All paternity records created after July 1, 1941, and before July 1, 2014, as declared confidential by statutes in force between those date, which statutes were amended by P.L. 1-2014, effective July 1, 2014.
- (3) *Court Administration Records That Must Be Excluded From Public Access.* The following Court Administration Records are confidential and must be excluded from Public Access:
- (a) Case Records excluded in 9(G)(2);
  - (b) Court Administration Records excluded from Public Access or declared confidential by Indiana statute or other court rule.
- (4) *Excluding Other Court Records From Public Access.* In extraordinary circumstances, a Court Record that otherwise would be publicly accessible may be excluded from Public Access by a Court having jurisdiction over the record, provided that each of the following four requirements is met:
- (a) Verified written request. A verified written request to prohibit Public Access to a Court Record may be made by any person affected by the release of the Court Record. The request must demonstrate that:
    - (i) The public interest will be substantially served by prohibiting access; or
    - (ii) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons or the general public; or
    - (iii) A substantial prejudicial effect to on-going proceedings cannot be avoided without prohibiting Public Access.

When this request is made, the request and the Court Record will be rendered confidential for a reasonable period of time until the Court rules on the request.
  - (b) Notice and Right to Respond.
    - (i) The person seeking to prohibit access has the burden of providing notice to the parties and such other persons as the Court may direct.
    - (ii) The person seeking to prohibit access must provide proof of notice to the Court or the reason why notice could not or should not be given consistent with the requirements found in Trial Rule 65(B).
    - (iii) A party or person to whom notice is given shall have twenty (20) days from receiving notice to respond to the request.
  - (c) Public Hearing.
    - (i) A Court may deny a request to prohibit Public Access without a hearing.

- (ii) If the Court does not initially deny the request, it shall post advance public notice of the hearing consistent with the notice requirements found in I.C. § 5-14-2-5.
  - (iii) Following public notice, the Court must hold a hearing on the request to prohibit Public Access to a Court Record.
- (d) Written Order. Following a hearing, a Court may grant a request to prohibit Public Access by a written order that:
- (i) States the reasons for granting the request;
  - (ii) Finds the requestor has demonstrated by clear and convincing evidence that any one or more of the requirements of 9(G)(4)(a) have been satisfied;
  - (iii) Balances the Public Access interests served by this rule and the grounds demonstrated by the requestor; and
  - (iv) Uses the least restrictive means and duration when prohibiting access.
- (5) *Procedures for Excluding Court Records From Public Access.*
- (a) Notice to maintain exclusion from Public Access.
    - (i) In cases where the Court Record is excluded from Public Access pursuant to 9(G)(2), 9(G)(3), or 9(G)(4), the party or person submitting the confidential record must provide the following notice that the record is to remain excluded from Public Access:
      - a. *Pleadings or Papers.* A Court Record filed with the Clerk of Court that is to be excluded from Public Access must be accompanied by separate written notice identifying the specific 9(G)(2) or 9(G)(3) ground(s) upon which exclusion is based. See Form 9-G1.
      - b. *Exhibits.* A Court Record tendered or admitted into evidence during an *in camera* review, hearing, or trial that is to be excluded from Public Access must be accompanied by separate written notice identifying the specific 9(G)(2) or 9(G)(3) ground(s) upon which exclusion is based. See Form 9-G2.
      - c. *Oral statements in transcript on appeal.* If any oral statement(s) contained in the transcript on appeal is to be excluded from Public Access, then during the hearing or trial, the Court Reporter must be given notice of the exclusion and the specific 9(G)(2) or 9(G)(3) ground(s) upon which that exclusion is based. If notice was not provided during the hearing or trial, any party or person may provide written notice in accordance with Appellate Rules 28(F)(3)(c) or (4). The Court Reporter must comply with Appellate Rules 28(F) and 29(D) when preparing the transcript on appeal.
    - (ii) In cases where all Court Records are excluded from Public Access in accordance with Administrative Rule 9(G)(1), no notice of exclusion from Public Access is required.
  - (b) Green paper requirements. Where only a portion of the Court Record has been excluded from Public Access pursuant to 9(G)(2) or 9(G)(3), the following requirements apply:
    - (i) *Public Access Version.* If a portion of a document filed or exhibit tendered contains confidential Court Records to be excluded from Public Access, the document or exhibit must be filed on white paper and any Court Record to be excluded from Public Access shall be omitted or redacted from this version. The omission or redaction shall be indicated at the place it occurs in the Public Access version. If the entire document is to be excluded from Public Access, the 9(G)(5)(a) Notice filed with the document will serve as the Public Access Version.
    - (ii) *Non-Public Access Version.*
      - a. If the omission or redaction in accordance with 9(G)(5)(b)(i) is not necessary to the disposition of the case, the excluded Court Record need not be filed or tendered in any form and only the Public Access version is required. The Administrative Rule 9(G)(5)(a) Notice should indicate this fact. See Form 9-G3.
      - b. If the omission or redaction in accordance with 9(G)(5)(b)(i) is necessary to the disposition of the case, the excluded Court Record must be separately filed or tendered on green paper and conspicuously marked “Not for Public Access” or “Confidential,” with the caption and number of the case clearly designated and:
        - i. If the Court Record is omitted or redacted from an exhibit, attachment,

appendix, transcript, evidentiary designation, or similar document, then the separately filed or tendered Non-Public Access version shall consist only of the omitted or redacted Court Record on green paper, with a reference to the location within the Public Access Version to which the omitted or redacted material pertains.

ii. If the Court Record is omitted or redacted from a motion, memorandum, brief, or similar document containing substantive legal argument, then the separately filed Non-Public Access version shall consist of a complete, consecutively-paginated replication including both the Public Access material on white paper and the Non-Public Access material on green paper.

(iii) The green paper requirements set forth in 9(G)(5)(b) do not apply to cases in which all Court Records are excluded from Public Access pursuant to 9(G)(1).

With respect to documents filed in electronic format, the Court may, by rule, provide for compliance with this rule in a manner that separates and protects access to Court Records excluded from Public Access.

(6) *Waiver, Failure To Exclude, Improper Exclusion, and Sanctions.*

(a) Waiver of right to exclude Court Record from Public Access.

(i) The party or person affected by the release of the Court Record may waive the right to exclude the Court Record from Public Access.

(ii) After waiver, a party or person seeking to reassert the right to exclude the Court Record from Public Access may do so only by complying with 9(G)(4).

(b) Failure to exclude Court Record from Public Access.

(i) Unless waived, the right to exclude a Court Record that is expressly declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3) is never forfeited by the failure to comply with any provision of 9(G).

(ii) Immediately upon learning that a Court Record declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3) was not excluded from Public Access, the party submitting such Court Record must comply with the requirements of 9(G) to ensure proper exclusion.

(c) Improper exclusion of Court Record from Public Access.

(i) Only Court Records declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3) may be excluded from Public Access.

(ii) If a court determines that Court Records are excluded from Public Access without first satisfying 9(G)(1), 9(G)(2), or 9(G)(3), the Court Records shall be made available for Public Access seven (7) days after notice to the parties and any person affected by the release, unless the requirements of 9(G)(4) are thereafter satisfied.

(iii.) If a court denies a 9(G)(4) request to exclude a Court Record from Public Access or if a Court Record is required to be made available for Public Access pursuant to 9(G)(6)(c)(ii), the party that originally submitted the Court Record as a Non-Public Access document is responsible for immediately resubmitting the Court Record as a Public Access Document.

(d) Sanctions. The failure to comply with any provision of 9(G) can subject counsel or a party to sanctions.

(7) *Obtaining Access to Court Records Excluded from Public Access.*

(a) A Court Record that is excluded from Public Access under this rule may be made accessible if:

(i) Each person affected by the release of the Court Record waives confidentiality by intentionally releasing such Court Record for Public Access pursuant to 9(G)(6)(a); or

(ii) A Court with jurisdiction over the case declares:

a. the Court Record should not have been excluded from Public Access;

b. the 9(G)(4) order was improper or is no longer appropriate;

c. the Court Record is essential to the resolution of litigation; or

d. disclosure is appropriate to further the establishment of precedent or the development of the law.

(b) A Court Record that is excluded from Public Access under this rule also may be made accessible provided the following four conditions are met:



- (i) Verified written request. The person seeking access to the Court Record must file with the Court having jurisdiction over the record a verified written request demonstrating that:
  - a. Extraordinary circumstances exist requiring deviation from the general provisions of this rule;
  - b. The public interest will be served by allowing access;
  - c. Access or dissemination of the Court Record creates no significant risk of substantial harm to any party, to third parties, or to the general public;
  - d. The release of the Court Record creates no prejudicial effect to on-going proceedings; or
  - e. The Court Record should not be excluded for Public Access under 9(G)(1), 9(G)(2) or 9(G)(3).

When a request is made for access to Court Records excluded from Public Access, the Court Record will remain confidential until the Court rules on the request.

- (ii) Notice and Right to Respond.
    - a. The person seeking access has the burden of providing notice to the parties and such other persons as the Court may direct.
    - b. The person seeking access must provide proof of notice to the Court or the reason why notice could not or should not be given consistent with the requirements found in Trial Rule 65(B).
    - c. A party or person to whom notice is given shall have twenty (20) days from receiving notice to respond to the request.
  - (iii) Public Hearing.
    - a. A Court may deny a request to provide access without a hearing.
    - b. If the Court does not initially deny the request, it shall post advance public notice of the hearing consistent with the notice requirements found in I.C. §5-14-2-5.
    - c. Following public notice, the Court must hold a hearing on the request to allow access to the Court Record.
  - (iv) Written Order. Following a hearing, a request to allow access to Court Records may be granted upon the issuance of a written order that:
    - a. States the reasons for granting the request;
    - b. Finds the requestor has demonstrated by clear and convincing evidence that any one or more of the requirements of 9(G)(7)(b)(i) have been satisfied; and
    - c. Considers the Public Access and the privacy interests served by this rule and the grounds demonstrated by the requestor.
- (c) A Court may place restrictions on the use or dissemination of the Court Record to preserve confidentiality.

### *Commentary*

*As noted previously, Rule 9 starts from the presumption of open public access to court records. To address those limited circumstances where federal statute, state statute, or court rule has declared Court Records to be confidential, this section provides the mechanism by which these confidential Court Records are to be excluded from Public Access.*

*Section G(1) begins by recognizing that, in some instances, an entire case must be excluded from Public Access because all Court Records have been declared confidential, but Sections G(2) and (3) make clear that in most instances it is only individual Case or Administrative Records that have been declared confidential. As provided in Ind. R. Evid. 201(b)(5), a court can take judicial notice of the records of any court of this state, which includes the juvenile records of another court of this state.*

*This section does not limit the authority of a judge in a particular case to order the sealing of particular records pursuant to the specific requirements of I.C. §5-14-3-5.5 or to enter an order excluding Court Records from Public Access in accordance with the specific requirements of G(4). No other type of court order is sufficient to seal or exclude Court Records from Public Access.*

*Section G(4) addresses those extraordinary circumstances in which information that is otherwise publicly accessible nonetheless is to be excluded from Public Access. This section generally incorporates a presumption of openness and requires compelling evidence to overcome this presumption, as well as public notice, a public hearing, and a written order containing specific findings. While a request made under Section G(4) treats the Court Record as confidential from the time of filing or tendering until the court rules on the request, parties should be aware that their request is not retroactive. Copies of the Court Record already may have been disseminated prior to any G(4) request, and action taken under G(4) will not affect those records.*

*Section G(5) provides the specific procedures for excluding Court Records from Public Access. The party or person submitting the confidential record has the burden of providing separate, written notice identifying the grounds upon which exclusion is based. See Forms 9-G1 and 9-G2. The act of filing a Court Record on green paper does not constitute the required notice.*

*The 9(G)(5)(a)(i)(c) notice requirements for excluding oral statements contained in a transcript apply only to transcripts that are filed with the Clerk by the Court Reporter for use on appeal. The requirements of this provision do not apply to private transcripts that are never filed with the Clerk. If a party or person thereafter files or tenders that private transcript to the Clerk or Court, then the notice requirements in 9(G)(5)(a)(i)(a) or (b) will apply.*

*In addition to the separate written notice, in most instances, Section G(5)(b) requires filing or tendering of both a Public Access version and a Non-Public Access version. The Public Access version is to be on white paper, with the confidential information redacted (if it is only part of a page) or omitted (if it is a whole page). If a whole page is omitted, some type of notation must be made at the precise place in the Public Access version indicating where the omission occurred. The Non-Public-Access version is to be on green paper and must contain the confidential material redacted or omitted from the Public Access version, unless the omitted or redacted confidential material is not necessary to the disposition of the case (such as a social security number, a bank number, etc.), in which instance the redacted or omitted material need not ever be separately tendered or filed on green paper and only a Public Access version is required.*

*Section G(6) permits waiver of confidentiality by the party or person affected by the release of the Court Record, but in all other instances in which a Court Record has been declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3), such confidentiality is not forfeited.*

*If a court determines that a party has improperly excluded Court Records from Public Access without first satisfying G(1), G(2), or G(3), those records shall be made available for Public Access unless, within seven days after notice of the improper exclusion has been sent, the party or person affected by the release of such records files a verified request to exclude pursuant to G(4).*

*Section G(7) is intended to address those extraordinary circumstances in which confidential information or information which is otherwise excluded from Public Access is to be included in a release of information. In some circumstances, the nature of the information contained in a record and the restrictions placed on the accessibility of the information contained in that record may be governed by federal or state law. This section is not intended to modify or overrule any federal or state law governing such records or the process for releasing information.*

#### **(H) When Court Records May Be Accessed.**

- (1) Court Records which are publicly accessible will be available for Public Access in the courthouse during regular business hours established by the court. Court Records in electronic form to which the court allows Remote Access under this policy will be available for access during hours established by the court, subject to unexpected technical failures or normal system maintenance announced in advance.
- (2) Upon receiving a request pursuant to section 9(F)(4) or 9(G) of this rule, a court will respond within a reasonable period of time.

#### Commentary

*This section does not preclude or require “after hours” access to Court Records in electronic form. Courts are encouraged to provide access to records in electronic form beyond the hours access is available at the courthouse, however, it is not the intent of this rule to compel such additional access.*

#### **(I) Contracts With Vendors Providing Information Technology Services Regarding Court Records.**

- (1) If a court or other private or governmental entity contracts with a vendor to provide information technology support to gather, store, or make accessible Court Records, the contract will require the vendor to comply with the intent and provisions of this access policy. For purposes of this section, the term “vendor” also includes a state, county, or local governmental agency that provides information technology services to a court.
- (2) Each contract shall require the vendor to assist the court in its role of educating litigants and the public about this rule. The vendor shall also be responsible for training its employees and subcontractors about the provisions of this rule.
- (3) Each contract shall prohibit vendors from disseminating bulk or Compiled Information, without first obtaining approval as required by this Rule.
- (4) Each contract shall require the vendor to acknowledge that Court Records remain the property of the court and are subject to the directions and orders of the court with respect to the handling and access to the Court Records, as well as the provisions of this rule.
- (5) These requirements are in addition to those otherwise imposed by law.

#### Commentary

*This section is intended to apply when information technology services are provided to a court by an agency outside the judicial branch, or by outsourcing of court information technology services to non-governmental entities. Implicit in this rule is the concept that all Court Records are under the authority of the judiciary, and that the judiciary has the responsibility to ensure Public Access to Court Records and to restrict access where appropriate. This applies as well to Court Records maintained in systems operated by a Clerk of Court or other non-judicial governmental department or agency.*

*This section does not supersede or alter the requirements of Trial Rule 77(K) which requires that, before Court Records may be made available through the internet or other electronic method, the information to be posted, its format, pricing structure, method of dissemination, and changes thereto must receive advance approval by the Division of State Court Administration.*

#### **(J) Immunity for Disclosure of Protected Information.**

A Court, court agency, or Clerk of Court employee, official, or an employee or officer of a contractor or subcontractor of a court, court agency, or clerk of court who unintentionally and unknowingly discloses confidential or erroneous information is immune from liability for such a disclosure.

#### Commentary

*This immunity provision is consistent with the immunity and protections provided by Indiana statute as found at IC 5-14-3-10(c).*

### **Rule 10. Security of Court Records**

- (A) Court Responsibilities.** All court records are the exclusive property of the courts and subject to the authority of the Supreme Court of Indiana. Each judge is administratively responsible for the integrity of the judicial records of the court and must ensure that (a) the judicial records of the court are recorded and maintained pursuant to Supreme Court directives, and (b) measures and procedures are employed to protect such records from mutilation, false entry, theft, alienation, and any unauthorized alteration, addition, deletion, or replacement of items or data elements.

#### Commentary

*The court is required to preserve the integrity of audio and video recordings of court proceedings. The judge may employ various methods for ensuring the recording is not altered, including but not limited to supervised playback for listening or copying, creating a copy of the recording for use during said playback, serving notice to the parties that the recording is being accessed, and providing a copy, clearly identified as such. As prescribed by Indiana Judicial Conduct Rule 2.17 [former Canon 3(B)(13)], because the court is further required to prohibit broadcasting or televising court proceedings, the court may employ methods to restrict publication of copies of court proceedings made during the pendency of the case.*

- (B) Clerk Responsibilities.** Each Clerk is the custodian of all court records and is responsible for the maintenance of court records pursuant to the directives of the Supreme Court of Indiana, and the judges of the trial courts directly served by the Clerk. The Clerks of the court must safeguard the integrity and security of all court records in their custody and diligently guard against any prohibited practice.
- (C) Prohibited Practices.** The following practices are prohibited and may subject an individual to contempt of court or constitute damage to a public record under IC 35-43-1-2(a):
- (1) Mutilation, vandalism, or theft;
  - (2) False entry, unauthorized alterations, additions, or deletions or replacement of item or data elements;
  - (3) Alienation or any unauthorized release of court records;
  - (4) Use of non-reversible lamination; and
  - (5) Use of unauthorized repair procedures on records deemed permanent under Administrative Rule 7.
- (D) Reconstruction of Records.** Trial courts of this state, after a hearing, may reconstruct judicial records that have been lost or destroyed. A judicial officer whose court exercised jurisdiction of a case whose records have been lost or destroyed may reconstruct the lost or destroyed records, under the procedures set forth in this rule, and any party or interested person, for good cause shown, may file a verified petition seeking a judicial ruling on reconstruction from the best available sources. Notice of the petition shall be given by the petitioner in accordance with the Indiana Rules of Trial Procedure to all parties and any other interested persons in advance of the hearing, which shall take place no sooner than sixty (60) days after the petition is filed, unless good cause exists for a shorter period. Unless determined otherwise by the court, costs of notice shall be borne by the petitioner. Interested persons include the custodian of the lost or destroyed records and any person the court so designates, considering the facts and nature of the case. Certified copies of original records shall be as acceptable to such reconstruction as the original. "Best available sources" are the most credible sources to determine the contents of the lost or destroyed records and include, without limitation, certified copies, copies accompanied by verified statements, and verified statements. The court shall settle and reconstruct the lost or destroyed records following the hearing unless parties and any interested persons file a verified waiver of the hearing. Within one (1) year of the date of the court's settlement and reconstruction of a record, any party or interested person not receiving notice of the proceedings may seek to set aside the court's order, provided, however, that any reconstruction shall be conclusively presumed to be final following this period.
- (E) Transfer of Court Records - Court Creation or Closure.**
- (1) Creation of a New City or Town Court. Cases pending in another city or town court under an inter-local agreement that would otherwise be in the jurisdiction of the newly created city or town court shall be transferred to the newly created court as a part of its initial caseload. Notice of the transfer and docketing of each pending Court Record shall be given to all parties of record as required by the Rules of Trial Procedure.
  - (2) Termination of a Court. Upon the adoption of an ordinance or statute that terminates the existence of a court, the judge of the court subject to termination shall immediately notify the Division of State Court Administration.
    - (a) City and Town Courts.
      - (i) All disposed Court Records subject to retention under Administrative Rule 7 and pending Court Records together with the CCS and monies held in trust by the clerk of the terminated court shall be transferred to the Clerk of the Circuit Court upon closure of the terminated court.

- (ii) Pending Case Records shall be docketed equally, by case type, in the Circuit or Superior Courts within the Judicial Circuit or according to their adopted and approved Caseload Allocation Plan for the case types transferred.
  - (iii) Court Administrative Records for pending cases shall be delivered to the court to which the relevant Case Record is docketed.
  - (iv) All monies received by the Circuit Court Clerk from the abolished court shall be deposited in the appropriate accounts of the Circuit Court Clerk and remitted to the appropriate recipient as established by law or an entered final judgment.
  - (v) Notice of the transfer and docketing of each pending Case Record shall be given to all parties of record as required by the Rules of Trial Procedure.
  - (vi) Retention Schedules - All closed Case Records subject to retention shall be transferred to the Circuit Court Clerk and held for the balance of the retention period.
- (b) Circuit or Superior Courts - Notice of transfer and docketing of each pending Case Record shall be given to all parties of record as required by the Rules of Trial Procedure.

**Rule 11. Paper Size**

Effective January 1, 1992, all pleadings, copies, motions and documents filed with any trial court or appellate level court, typed or printed, with the exception of exhibits and existing wills, shall be prepared on 8 1/2 " x 11" size paper. Through December 31, 1991, such papers and records will be accepted on either 8 1/2 " x 11" or 8 1/2 " x 14" size paper.

**Rule 12. Facsimile Transmission**

**(A) Definitions.** For the purposes of this rule, the definitions set forth in this paragraph shall apply:

- (1) *Cover Sheet* means a descriptive initial page that accompanies an electronic facsimile transmission;
- (2) *Electronic Facsimile Transmission*, commonly referred to as "FAX," means a method of transmitting and receiving information in paper medium over telephone lines or other forms of electronic transmissions;
- (3) *Original Document* means the initially prepared written document or any counterpart intended to have the same effect by the creator; and
- (4) *Duplicate Document* means a written counterpart of the original produced by the same impression as the original or from the same matrix or by digitized electronic transmission, readable by sight, which accurately reproduces the original.

**(B) Filing by Electronic Facsimile Transmission.** In counties where a majority of judges of the courts of record, by posted local rule, have authorized electronic facsimile filing and designated a telephone number to receive such transmissions, pleadings, motions, and other papers may be sent to the Clerk of Circuit Court by electronic facsimile transmission for filing in any case, provided:

- (1) such matter does not exceed ten (10) pages, including the cover sheet;
- (2) such matter does not require the payment of fees other than the electronic facsimile transcription fee set forth in paragraph (E) of this rule;
- (3) the sending party creates at the time of transmission a machine generated log for such transmission; and
- (4) the original document and the transmission log are maintained by the sending party for the duration of the litigation.

**(C) Time of Filing.** During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Clerk of the Circuit Court. Duplicate documents received at all other times shall be filed as of the next normal business day.

If the receiving FAX machine endorses its own time and date stamp upon the transmitted documents and the receiving machine produces a delivery receipt which is electronically created and transmitted to the sending party, the time of filing shall be the date and time recorded on the transmitted document by the receiving FAX machine.

- (D) Cover Sheet.** Any document sent to the Clerk of the Circuit Court by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.
- (E) Electronic Facsimile Transmission Fee.** Upon request and at an amount approved by the majority of judges of courts of record in the county, the County Board of Commissioners may adopt an electronic facsimile transmission fee not to exceed ten dollars (\$10.00) per transmission.
- (F) Standards.** Electronic facsimile transmission equipment used by courts and their offices under this rule shall comply with "Group III" level equipment standards established by the CCITT (Consultative Committee International Telegraph and Telephone of the International Telecommunications Union), which provides standards for operating speed and image resolution available for use over public telephone networks. Pleadings and papers filed by electronic facsimile transmission shall be letter size.

**Rule 13. [Vacated]**

**Rule 14. Use of Telephone and Audiovisual Telecommunication**

- (A) Authority.** A trial court may, in its discretion, use telephone or audiovisual telecommunication pursuant to the provisions of this rule as follows:
- (1) A trial court may use telephone or audiovisual telecommunication to conduct:
    - (a) Pre-trial conferences;
    - (b) Proceedings where only the attorneys are present;
    - (c) Proceedings during a declared emergency under Ind. Administrative Rule 17; and,
    - (d) Proceedings where a party or witness is unavailable due to quarantine.
  - (2) A trial court may use audiovisual telecommunication to conduct:
    - (a) Initial hearings pursuant to IC 35-33-7-1, 3, 3.5, 4 and 5, including any probable cause hearing pursuant to IC 35-33-7-2; determination of indigence and assignment of counsel pursuant to IC 35-33-7-6; amount and conditions of bail pursuant to IC 35-33-7-5(4), 35-33-8-3.1 and 4; and the setting of omnibus date pursuant to IC 35-36-8-1;
    - (b) The taking of a plea of guilty to a misdemeanor charge, pursuant to IC 35-35-1-2;
    - (c) Sentencing hearings pursuant to IC 35-38-1-2 when the defendant has given a written waiver of his or her right to be present in person and the prosecution has consented;
    - (d) Post-conviction hearings pursuant to Ind. Post-Conviction Rule 1(5), with the written consent of the parties;
    - (e) Preliminary hearings in mental health emergency detention proceedings pursuant to IC 12-26-5-10;
    - (f) Review hearings in mental health commitment proceedings pursuant to IC 12-26-15-2;
    - (g) When a child is alleged to be a delinquent child, for a detention hearing pursuant to IC 31-37-6 or a periodic review hearing pursuant to IC 31-37-20-2;
    - (h) When a child is alleged to be a child in need of service, for a detention hearing pursuant to IC 31-34-5 or a periodic review hearing pursuant to IC 31-34-21-2.
- (B) Other Proceedings.** In addition, in any conference, hearing or proceeding not specifically enumerated in Section (A) of this rule, with the exception of criminal proceedings involving the right of confrontation or the right to be present, a trial court may use telephone or audiovisual communications subject to:
- (1) the written consent of all the parties, entered on the Chronological Case Summary; or
  - (2) upon a trial court's finding of good cause, upon its own motion or upon the motion of a party. The following factors shall be considered in determining "good cause":
    - (a) Whether, after due diligence, the party has been unable to procure the physical presence of the witness;

- (b) Whether effective cross-examination of the witness is possible, considering the availability of documents and exhibits to counsel and the witness;
  - (c) The complexity of the proceedings and the importance of the offered testimony in relation to the convenience to the party and the proposed witness;
  - (d) The importance of presenting the testimony of the witness in open court, where the fact finder may observe the demeanor of the witness and impress upon the witness the duty to testify truthfully;
  - (e) Whether undue surprise or unfair prejudice would result; and
  - (f) Any other factors a trial court may determine to be relevant in an individual case.
- (3) A party or a trial court if it is acting on its own motion must give notice of the motion to use telephone or audiovisual telecommunication as follows:
- (a) Any motion for testimony to be presented by telephone or audiovisual telecommunication shall be served not less than thirty (30) days before the time specified for hearing of such testimony;
  - (b) Opposition to a motion for testimony to be presented by telephone or audiovisual telecommunication shall be made by written objection within seven (7) days after service;
  - (c) A trial court may hold an expedited hearing no later than ten (10) days before the scheduled hearing of such testimony to determine if good cause has been shown to present testimony by telephone or audiovisual telecommunication;
  - (d) A trial court shall make written findings of fact and conclusions of law within its order on the motion for testimony to be presented by telephone or audiovisual telecommunication; and
  - (e) For cause found, a trial court may alter the time deadlines set forth in paragraphs (a) through (c) upon motion made prior to the expiration of the time for the required action.

**(C) Facilities and Equipment.** In relation to any hearing or proceeding conducted under this rule, the court shall assure that:

- (1) The facility and equipment provide counsel with the ability to confer privately with an out of court party, or with other counsel, off the record, before, during, and immediately following the hearing or proceeding. Mental health care providers, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers who appear as witnesses are not parties for the purposes of this section.
- (2) When using telephonic and audiovisual telecommunication:
  - (a) All participants are able to fully view and/or converse with each other simultaneously.
  - (b) The facilities have the capacity for contemporaneous transmission of documents and exhibits.
  - (c) Audiovisual images are in color and monitor screens are of sufficient quality, design, and architecture as to allow all parties to observe the demeanor and non-verbal communication of the other parties.
  - (d) The telephonic or audiovisual transmission is of sufficient quality, design, and architecture to allow easy listening and/or viewing of all public proceedings.
  - (e) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
- (3) Application may be made to the Indiana Supreme Court, through the Division of State Court Administration, for approval of a plan that uses alternative procedures and technology that meet the intent and objective of this rule.
- (4) The confidentiality accorded to attorney-client communications, and all other privileges applicable under Indiana law, apply.

**Rule 15 Court Reporters**

- A. Application of Rule.** All courts of record in each county of the State of Indiana shall adopt for approval by the Indiana Supreme Court a local rule by which all court reporter services shall be governed. Should a

county fail to adopt such a plan, the Supreme Court shall prescribe a plan for use by the county. The local rule shall be in substantial compliance with the provisions of this rule.

**B. Definitions.** The following definitions shall apply under this administrative rule:

- (1) **A Court reporter** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) **Equipment** means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) **Work space** means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) **Page** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28(A).
- (5) **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (6) **Regular hours worked** means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.
- (7) **Gap hours worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
- (8) **Overtime hours worked** means those hours worked in excess of forty (40) hours per work week.
- (9) **Work week** means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) **Court** means the particular court for which the court reporter performs services. Depending upon the county, Court may also mean a group of courts; i.e. "X County Courts".
- (11) **County indigent transcript** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) **State indigent transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) **Private Transcript** means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

**C. Court Reporter Models.** The court or courts of each county shall uniformly adopt by local court rule one of the following Court Reporter Models:

- (1) *Model Option One.* The local rule shall:
  - (a) designate that a court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours or overtime hours;
  - (b) designate a per page fee for county indigent transcript preparation;
  - (c) designate that the court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript;
  - (d) designate a maximum per page fee that the court reporter may charge for a state indigent transcript;
  - (e) designate a maximum per page fee that the court reporter may charge for a private transcript;
  - (f) require the court reporter to report at least on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent, or private) received by the court reporter;



- (g) designate that if a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
    - (1) the reasonable market rate for the use of equipment, work space and supplies;
    - (2) the method by which records are to be kept for the use of equipment, work space and supplies;
    - (3) the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies;
  - (h) designate that if a court reporter elects to engage in private practice through recording a deposition and/or the preparing of a deposition transcript, that such private practice shall be conducted outside of regular working hours; and
  - (i) designate that the court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. either monetary compensation or compensatory time off regular work hours.
- (2) *Model Option Two.* The local rule shall:
- (a) designate that a court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours or overtime hours;
  - (b) designate that subject to the approval of each county's fiscal body, the amount of the annual salary shall be set by the court;
  - (c) designate that the annual salary paid to the court reporter shall be for a fixed schedule of regular working hours;
  - (d) designate that a court reporter shall, if requested or ordered, prepare any transcript during regular working hours;
  - (e) designate that in the event that preparing a transcript cannot be completed during regular hours worked, a court reporter shall be entitled to additional compensation beyond regular salary under one of the two options set forth as follows:
    - (1)(a) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and
    - (b) Overtime hours shall be paid in the amount of one and one-half (1 1/2) times the hourly rate of the annual salary; or,
    - (2)(a) Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and
    - (b) Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 1/2) times the number of overtime hours worked;
  - (f) designate that the court and each court reporter may freely negotiate between themselves as to which of the preceding two (2) options in (e) shall be utilized and that the court and court reporter shall enter into a written agreement designating the terms of such agreement;
  - (g) designate that if a court reporter elects to engage in private practice through recording a deposition and/or preparing a deposition transcript, that such private practice shall be conducted outside of regular working hours;
  - (h) designate that if a court reporter elects to engage in private practice through recording a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of court equipment for such purposes, the court and the court reporter shall enter into a written agreement which must at a minimum designate the following:
    - (1) the reasonable market rate for the use of equipment, work space and supplies;

- (2) the method by which records are to be kept for the use of equipment, work space and supplies;
- (3) the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
  - (i) designate a maximum per page fee that a court reporter may charge for private practice work;
  - (j) designate a maximum per page fee that the court reporter may charge for a private transcript; and
  - (k) require the court reporter to report at least on an annual basis to the State Court Administrator all transcript fees (either county indigent, state indigent or private) received by the court reporter.
- (3) *Model Option Three.* The court(s) may, by adopting a local rule to that effect, elect to procure all court reporter services by private contract and submit such contract for approval by the Indiana Supreme Court in accordance with Section A of this rule. Any such procedure must conform with all applicable state and local statutes, rules and regulations.

**Rule 16. Electronic Filing and Electronic Service Pilot Projects**

**(A) Definitions.** The following definitions shall apply to this rule:

- (1) *E-Filing System.* An E-filing system is a system approved by the Indiana Supreme Court for filing and service of pleadings, motions and other papers (“documents”) or information via an electronic means such as the Internet, a court-authorized remote service provider, or through other remote means to and from the trial court's case management system.
- (2) *Electronic Filing.* Electronic filing (“E-filing”) is a method of filing court documents or information with the Clerk of the Court by electronic transmission utilizing the E-filing system.
- (3) *Electronic Service.* Electronic service (“E-service”) is a method of serving documents or information by electronic transmission on any User in a case via the E-filing system.
- (4) *User Agreement.* A user agreement is an agreement that establishes obligations and responsibilities of the User and the Court and provides guidelines for proper use of the E-filing system.
- (5) *User.* A User is an individual that has received authorization from the trial court administering an E-filing system to use that E-filing system by remote access.

**(B) Approval.** Courts wishing to establish an electronic filing or an electronic service pilot project pursuant to these rules must submit a written request for approval and a plan to the Division of State Court Administration. The Division shall define the necessary elements of the plan. At a minimum, the plan must state if and how the system is compatible with the clerk's office and other court users, if it is accessible to the public, if it is accessible to unrepresented litigants, if and what sort of fees will be charged, and all technical details relevant to the approval process. The plan must also include a process for archival record retention that meets the permanent and other record retention requirements of the Indiana Rules of Court.

**(C) User Agreements.** The User Agreement must be approved by the Division of State Court Administration. The User and the Court must execute the User Agreement before the User may use the E-filing system. The User must file the executed User Agreement, and the clerk must note the filing of the agreement on the Chronological Case Summary (CCS) and enter it into the Record of Orders and Judgments (RJO) of the case in which the User is appearing. In the User Agreement, the User must agree to receive service of Documents through the E-filing system. In the User Agreement, the Court shall issue to the User distinct remote access with a unique password and user identification. The trial court may enter into a User Agreement with any attorney licensed to practice law in Indiana, an individual designated pursuant to Ind. Small Claims Rule 8(C) to appear for a corporation, partnership or sole proprietorship in small claims cases, and with any party in a particular case.

**(D) Fees.** Upon the request and at an amount approved by the majority of judges of courts of record in the county, the County Board of Commissioners may adopt, in accordance with Ind. Administrative Rule 9(E), an electronic system fee to be charged in conjunction with the use of the E-filing system. The fees must be included in the User Agreement and in the plan submitted pursuant to section (B) of this rule.

**(E) Signature.** The filing of documents and information through the E-filing system by use of a valid username and password is presumed to have been authorized by the User to whom that username and

password have been issued and documents filed through the E-filing system are presumed to have been signed by the same User.

- (F) Commencement of an Action.** An action may be commenced by E-filing only in a court which has adopted a pilot project plan approved by the Division of State Court Administration pursuant to this rule.
- (G) Time of Filing.** Documents or information may be filed through an E-filing system at any time. Documents or information filed through the E-filing system are deemed filed as of the time shown on the time stamp issued by the E-filing system.
- (H) Original Document.** Until such time that a Court implements a process approved by the Division of State Court Administration for the permanent retention of electronically transmitted, served or maintained documents, the Court must maintain a traditional paper copy of all electronic documents required to be maintained pursuant to the Indiana Rules of Court in the medium required. Upon the approval by the Division of State Court Administration of a permanent record retention process for electronically filed and served documents, a Document filed or served through an E-filing system shall be deemed an original record. Attorneys and unrepresented parties must retain signed copies of such electronically filed documents and, upon the Court's request, must provide such documents to the Court.
- (I) Request for Changes to the System.** A Court authorized to administer an E-filing system must seek approval from the Division of State Court Administration for any changes to the E-filing system that the Court wishes to implement after the initial approval.

#### **Appendix. The Necessary Elements of a Proposed Plan to Implement Electronic Filing or An Electronic Service Pilot Project Pursuant to Administrative Rule 16**

Pursuant to Administrative Rule 16(B), the following provisions relate to the necessary elements required in any written request for approval of an electronic filing or an electronic service pilot project. The Division of State Court Administration may modify these provisions at any time.

#### **I. Definitions**

- (a) "Filing User" refers to attorneys who have an electronic case filing log-in and password to file documents electronically, or the agent an attorney has expressly designated to make a filing on his or her behalf.
- (b) "Electronic Case Filing System" (ECF) refers to the court's system that receives in electronic form documents or information via the Internet, a court-authorized remote service provider, or through other remote means to and from the trial court's case management system.
- (c) "Notice of Electronic Filing" refers to the notice that is automatically generated by the Electronic Case Filing System at the time a document is filed with the system, setting forth the time of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, and the name of the attorney(s) receiving the notice.
- (d) "Archival Retention" refers to permanent records retention pursuant to Administrative Rule 7.
- (e) "Registration" refers to the execution of the User Agreement (see below) by a Filing User.

#### **II. Elements**

A proposed plan submitted pursuant to Administrative Rule 16(B) must contain the following elements:

##### **A. System Compatibility**

A detailed description of how the proposed system is compatible with the clerk's office and the current technology in use in the court and court offices.

##### **B. User Hardware and Software Requirements**

The specific hardware and software users will need to electronically file documents and information and receive notice of case activity.

##### **C. System Users**

An identification of other court users, including the public, and a description of how the proposed system would be compatible with their use. Any proposed system must allow members of the public to view electronic and hard copy documents, unless they are deemed confidential by statute, court rule, or court order.

**D. Eligible Cases**

A description of what cases may be filed electronically, what cases must be filed electronically and what cases cannot be filed electronically.

**E. Fees**

What fees will be charged, if any, including those applicable to filing, serving, viewing and/or copying court documents. Proposals also must include a discussion of how fees will be collected and a comparison of the proposed fees to the existing (pre-electronic) fee structure. All fees must comply with the provisions of Administrative Rule 16(D).

**F. Document Preservation**

A description of the process for archival retention that satisfies permanent records retention and other requirements of the Indiana Rules of Court.

**G. Local Rules**

Any proposed local rules that the court intends to adopt to aid in the implementation of the Plan or the ECF.

**H. Forms**

Any forms that the court has developed to aid in the implementation of the Plan or the ECF, such as:

Attorney Registration Form

Notice of Manual Filing

Notice of Signature Endorsement

Declaration that Party Was Unable to File in a Timely Manner Due to Technical Difficulties.

Notice of Filing Sealed/Confidential Document Manually

**I. Security**

The measures that the court or its vendor would employ to protect the security of the ECF.

**J. Proof of Service**

A detailed description of how the system will accomplish service of process pursuant to Trial Rule 5 through electronic means. Return receipt email will not be considered adequate proof of service of process. In addition, the plan must describe how the court and other users may verify the service in the future.

**K. Legal XML Compliance**

A description of how the system will comply with the Legal XML E-Filing Standard. Compliance with this standard will help ensure compatibility with the future statewide CMS.

**L. Proposed User Agreement(s), Forms, Other Documents**

A sample of the proposed User Agreement(s) required by Administrative Rule 16(C), accompanied by a detailed description its components, the procedure for its use and the method by which the unique password and user identification will be assigned. In addition, any forms and other generic documents to be incorporated must be provided.

**M. A proposed Implementation Plan and Schedule**

A detailed description of when and how the Plan and system will be implemented, including anticipated training arrangements.

**N. Accessibility by Unrepresented Litigants**

A detailed description of whether unrepresented litigants are permitted to use the system, and if so, how they will be accommodated. In addition, the plan must describe how documents filed in hard copy by unrepresented litigants will be served to the other parties.

**O. Performance Measurements**

A detailed description of how the Court will determine if the pilot project meets expectations. These measurements may be a combination of reports and user queries. Some examples may be the

equivalent of “comment cards” sent to the users and returned to the Court, error reporting by the user when he or she encounters a difficulty, the error being returned to the court, reports of downtime (maintenance) and system failures (i.e. crash) monthly or quarterly, and routine reviews by the system administrator for feature or software upgrades.

### **III. Content/Substantive Requirements**

In addition to the elements outlined above, any proposed Plan shall include the following content:

#### **A. Eligible Users**

Attorneys admitted to the Indiana bar and in good standing are eligible to register as Filing Users of a court’s Electronic Case Filing system. Registration via the User Agreement should require the Filing User’s name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar. Filing Users must notify the clerk of the court in writing within 30 days of any change of address, electronic or otherwise.

#### **B. Registration Obligations**

Registration as a Filing User constitutes consent to electronic service of all documents in accordance with the Indiana Rules of Court. Filing Users must agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

#### **C. Public Accessibility**

Members of the public may review at the clerk’s office filings that have not been sealed by the court. A person who has system access may retrieve docket sheets and documents. Only a Filing User may file documents and information electronically.

#### **D. General Format Requirements**

Formatting requirements for all documents filed electronically must comply with the format and procedures set forth in the Indiana Rules of Court and the local rules for the county in which the electronic filing occurs. (If the court intends to create local rules specifically applicable to electronic filing, a copy of such proposed local rules must be included with the proposed plan).

#### **E. Initial Pleadings**

With the exception of cases involving infractions, the initial pleading and accompanying documents, including the complaint and service of the summons, must be served in the traditional manner on paper. The plan must describe the method by which proof of service of process pursuant to Trial Rule 4 will be reflected on the electronic docket. In the event a case is initiated electronically, the plan shall include a description of the method by which the relevant filing and service fees are collected and remitted to the Clerk’s office.

#### **F. Appearance**

The filing of a Notice of Appearance shall act to establish the filing attorney as an attorney of record representing a designated party in a particular cause of action.

#### **G. Format of Attachments and Exhibits**

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, except as specifically permitted by court rule or order.

Exceptions to the electronic filing requirement include the following documents:

- a. Exhibits in a format that does not readily permit electronic filing, such as videotapes, x-rays and similar materials;
- b. Paper documents that are illegible when scanned into PDF format; and
- c. Documents filed under seal or information not for public access as defined in Administrative Rule 9(G).

Such components shall not be filed electronically, but instead shall be manually filed on paper with the clerk, and served upon the parties in accordance with the applicable Indiana Rules of Court and local rules for filing and service of non-electronic documents. Parties making a manual filing of a component must file electronically, in place of the manually filed component, a Notice of Manual

Filing setting forth the reason(s) why the component cannot be filed electronically. The manually filed component must be presented to the clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of manual filing.

**H. Certificate of Service**

A certificate of service, if required by the Rules of Trial Procedure, must be included with all documents and information filed electronically. The certificate shall indicate that service was accomplished pursuant to the court's electronic filing procedures. The party effectuates service on all registered parties by filing electronically. Those parties or attorneys who have been permitted by the court to be exempt from the electronic filing requirement must be provided the documents in paper form in accordance with the Indiana Rules of Court.

**I. Electronic Copies and Electronic File-Stamps**

When a document or information is filed electronically, the official record is the electronic recording of the document as stored by the court. The system will generate a Notice of Electronic Filing, which will be transmitted via e-mail to the filer and all attorneys of record in the matter. The Notice of Electronic Filing serves as the court's date-stamp and proof of filing.

**J. Password Serves as Signature**

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. A Filing User has responsibility for all transactions under his or her password and is obligated to notify the clerk if his or her password is compromised.

The log-in and password required to submit documents and information to the Electronic Case Filing System shall serve, in part, as the Filing User's signature on all electronic documents filed with the Court, and as the Filing User's authorization for filing information with the Court. They also serve as a signature for purposes of the Indiana Rules of Court, the local rules of the court, and any other purpose for which a signature is required in connection with proceedings before a court.

**K. Signatures Other Than Filing User**

Documents requiring signatures for two or more parties represented by different counsel must be electronically filed either by: (a) representing the consent of the other attorney(s) on the signature line where the other attorney's handwritten signature would otherwise appear; (b) identifying in the signature block attorneys whose signatures are required and by the submission of a notice of endorsement by the other attorneys no later than three business days after filing; (c) submitting a scanned document containing all necessary signatures; or (d) in any other manner approved by the court.

**L. Filing Consequences**

Electronic transmission of a document or information to the Electronic Case Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document or information for all purposes of the Indiana Rules of Court and the local rules of the court, and constitutes entry of the filing on the court's docket. When a document or information has been filed electronically, the official record is the electronic recording of the document or information as stored by the court, and the filing party is bound by the document or information as filed.

Filing a document or information electronically does not alter the filing deadline for that document or information. Filing must be completed before midnight local time of the court in order to be considered timely filed that day.

When a document or information is filed electronically, the court's system must generate a Notice of Electronic Filing, which will be transmitted via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The party submitting the filing should retain a paper or electronic copy of the Notice of Electronic Filing, which serves as the court's date-stamp and proof of filing.

Transmission of the Notice of Electronic Filing to an attorney's registered e-mail address constitutes service upon the attorney. Only the Notice of Electronic Filing, generated and transmitted by the court's system, is sufficient to constitute electronic service of an electronically filed document. Those

parties or attorneys who have been permitted by the court to be exempt from the electronic filing requirement must be provided notice of the filing in paper form in accordance with the Indiana Rules of Court.

**M. Sealed Documents**

The provider of the electronic filing system must certify a level of security for sealed documents that demonstrates the ability to comply with the Indiana Rules of Court, especially Administrative Rule 9. The party filing a sealed document also must electronically file a Notice of Manual Filing. No document will be maintained under seal in the absence of an authorizing statute, court rule, or court order.

**N. Court Orders**

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Indiana Rule of Trial Procedure 77(D). If a party is not represented by at least one attorney who is a Filing User, the court must give notice in paper form in accordance with the Indiana Rules of Court.

**O. Technical Difficulties**

Parties are encouraged to file documents and information electronically during normal business hours, in case a problem is encountered. In the event a technical failure occurs, and despite the best efforts of the filing party a document or information cannot be filed electronically, the party should print (if possible) a copy of the error message received. In addition, as soon as practically possible, the party should file a Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties.

If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the designated Electronic Filing System Administrator. If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely-filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the court is open for business following the original filing deadline.

**P. Retention of Documents in Cases Filed Electronically**

Filing Users must retain signed copies of electronically filed documents until two (2) years after all time periods for appeals expire. Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form. On request of the court, the Filing User must provide original documents for review.

Originals of documents filed electronically which require scanning (e.g. documents that contain signatures, such as affidavits) must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals.

**Q. Entry of Court Orders**

All signed orders must be filed electronically by the court or court personnel. All orders, decrees, judgments, and proceedings of the court filed electronically will constitute entry on the court's docket. A hardcopy version of all judgments shall be entered in the Court's Record of Judgments and Orders, pursuant to Trial Rule 77(D).

**IV. Exemption Requests**

Any court tendering a Plan for approval may seek exemption from including or complying with one or more of the elements or content requirements specified in this Appendix by identifying:

- (1) The specific requirement from which the applying court seeks to be exempted;
- (2) The basis for seeking the exemption; and
- (3) What the applying court shall do in lieu of or to serve the underlying purpose of the specified requirement.

The Division of State Court Administration shall consider Requests for Exemption from the specifications of this Appendix on a case-by-case basis. In the event that the Request for Exemption is denied, such determination shall not preclude approval of the remainder of a court's tendered Plan.

**Rule 17. Emergency petition for Administrative orders**

- (A) **Supreme Court Authority.** Under the authority vested in the Indiana Supreme Court to provide by rule for the procedure employed in all courts of this state and the Court's inherent authority to supervise the administration of all courts of this state, the Court has the power upon petition from any trial court as set forth herein, or sua sponte, in the event of natural disaster, civil disobedience, wide spread disease outbreak, or other exigent circumstances requiring the closure of courts or inhibiting the ability of litigants and courts to comply with statutory deadlines and rules of procedure applicable in courts of this state, to enter such order or orders as may be appropriate to ensure the orderly and fair administration of justice. This order shall include, without limitation, those rules and procedures affecting time limits currently imposed for speedy trials in criminal and juvenile proceedings, public health, mental health, appellate, and all other civil and criminal matters.

The Court also may authorize any petitioning court to move its location from its statutory location to any location the Court deems appropriate, and the Court may authorize any judge of a Circuit or Superior Court to exercise general jurisdiction over any civil or criminal matter.

**Appendix 17A**

Sample Administrative Rule 17 Petition

[Rich Text Format \(rtf\)](#)

- (B) **Trial court petition.** When it becomes apparent to the local trial court(s) that an emergency exists, the local trial court(s) shall:
1. Confer with the clerk, bar representative and local official, as the trial court(s) deem necessary and appropriate.
  2. Petition the Supreme Court for emergency relief stating: the emergency, the effect it is having or will have on the local administration of justice, the anticipated duration, and any additional information that would aid the Court in its decision making process.
  3. Submit the trial court's plan for all civil and criminal matters during the emergency.
- The petition shall be filed with the Clerk of the Court, with a copy provided to the Division of State Court Administration. The Division of State Court Administration shall create form petitions available for trial court use.
- (C) When the Supreme Court determines that the petition is made for good cause shown, the Supreme Court may promptly issue an administrative order addressing the emergency on such terms and conditions as it deems appropriate.

**Rule 18. County Probation Departments**

- (A) **Application of Rule.** The courts of record in a county that are authorized to impose probation shall adopt a plan by which the county will operate a unified or consolidated probation department.
- (B) The management and governance of the department and any divisions within the department is to be determined by the supervising judge, and may include arrangements on who shall have the authority to appoint probation officers, assign probation officers to a particular court, and remove probation officers.
- (C) **Definitions.** The following definitions shall apply under this administrative rule:
- (1) **Chief probation officer** means a probation officer designated to direct and supervise the work of the probation department.
  - (2) **Separate juvenile probation department** means a probation department established before January 1, 2010, with a chief probation officer that supervises only juvenile probation officers and probation officers that supervise only juvenile offenders.
  - (3) **Supervising judge** means the judge, judges, board of judges, or chief judge responsible for the governance/oversight of the probation department.



- (4) **Unified or Consolidated probation department** means a single, county-funded probation department that is directed by a single chief probation officer. A unified or consolidated probation department may contain separate divisions such as felony, misdemeanor, adult, juvenile, Court Alcohol & Drug, or pre-trial divisions.
- (D) **Annual Certification Reports.** A report certifying that a county has adopted a plan for a unified or consolidated probation department, or has adopted a plan for a unified or consolidated adult probation department and a separate juvenile probation department, shall be filed with the Indiana Judicial Center by March 1 annually. The annual report shall be submitted on a form drafted by the Indiana Judicial Center and shall also include certification of department compliance with education and salary standards for probation officers.
- (E) **Judge's Confirmation of Reporting.** The supervising judge of the unified or consolidated probation department shall review and confirm, through a process established by the Indiana Judicial Center, the completion and filing of the annual certification report.
- (F) **Plan for Unified or Consolidated Probation Department.**
- (1) **Counties in which only one court of record is authorized to impose probation.** Counties in which only one court of record is authorized to impose probation shall certify to the Indiana Judicial Center by October 1, 2011 that the county operates a unified or consolidated probation department.
  - (2) **Counties in which more than one court of record is authorized to impose probation.** Counties in which more than one court of record is authorized to impose probation shall certify to the Indiana Judicial Center that the county operates a unified or consolidated probation department or file an initial plan for the implementation of a unified or consolidated probation department by October 1, 2011. The initial plan shall be filed with the Indiana Judicial Center and shall consist of information on, including but not limited to, judicial governance/oversight of the probation department, any assignment of probation officers to a specific court or division, any divisions created within the consolidated department (such as circuit, superior, felony, misdemeanor, adult, juvenile, Court Alcohol & Drug, pre-trial or any other divisions agreed upon by the supervising judges), judicial oversight of any divisions within the department, appointment of a chief probation officer, appointment of assistant chief probation officers/supervisors assigned to a specific court or division, and probation officer salaries. The plan must be implemented by January 1, 2012. An extension for filing the plan and implementation may be granted at the discretion of the Judicial Conference Board of Directors for good cause shown. Any amendments to the initial plan after the implementation date shall be reported in the annual certification report.
  - (3) **Counties in which the circuit, superior, or probate court has established a separate juvenile probation department.** Counties in which the circuit, superior, or probate court has established a separate juvenile probation department before January 1, 2010, may elect to operate a unified or consolidated adult probation department and a separate juvenile probation department. These counties shall certify to the Indiana Judicial Center by October 1, 2011 that the county operates a unified or consolidated adult probation department and a separate juvenile probation department.
  - (4) **Review and Approval of Plans.** The Judicial Conference shall review plans submitted pursuant to standards adopted by the Conference. The Judicial Conference may approve the plan in whole or in part, may modify the plan, or deny the plan in whole or in part. If the Judicial Conference denies a plan in whole or in part, the Judicial Conference may require all or part of the plan to be resubmitted and may approve or reject the resubmitted plan in whole or in part. Should a county fail to submit a plan for review, the Judicial Conference may prescribe a plan for use by the county.
- (G) **Preparation of Forms.** The Indiana Judicial Center shall draft forms to be used in filing initial plans, certification reports, and annual reports.

#### **Rule 19. Court Security Plans**

Each court shall develop and implement a court security plan to ensure security in court facilities. If more than one court occupies a court facility, the courts shall collectively develop and implement a single court security plan. The plan shall give due consideration to the provisions of the Indiana Courthouse Security Minimum

Standards unanimously adopted by the Judicial Conference of Indiana in 2002 and any other provisions necessary to satisfy court facility safety and security.

To ensure security in court facilities, a court security plan, including any security policy and procedures manual adopted as part of the security plan, shall be excluded from public access pursuant to Admin. R 9(G)(2)(b)vii.

**Rule 20. Indiana Office of Judicial Administration**

- A. Indiana Office of Judicial Administration established.** An efficient, coordinated, internal management organization is necessary to help the Indiana Supreme Court meet its administrative responsibilities. As provided in Indiana Code § 33-24-6-1, the Indiana Supreme Court hereby establishes an Indiana Office of Judicial Administration (IOJA). The office shall be headed by a Chief Administrative Officer (CAO). The IOJA and the CAO shall assist the Chief Justice and the Court in discharging their constitutional responsibilities to provide for the administration of justice and supervise the exercise of jurisdiction by the other courts.
- B. The Chief Administrative Officer.** The CAO shall manage, through high level management personnel, the operations of the Divisions of State and Supreme Court Administration, the Indiana Judicial Conference and Judicial Center, and other entities responsible to the Chief Justice and the Court.
- C. Designation of duties, functions and powers.** The Chief Justice hereby appoints the IOJA and the CAO to carry out all duties, functions and powers assigned by statutes, court rules or other directives to the Division of State Court Administration and its Executive Director, to the Supreme Court Administrator, and to the Judicial Center and its Executive Director.
- D. Organization of the Indiana Office of Judicial Administration.** With the approval of the Supreme Court and Chief Justice, the CAO shall organize the IOJA's work into the following offices and appoint appropriate management personnel to manage them:
  - (1) an Office of Communications, Education and Outreach;
  - (2) an Office of Court Services to carry out the combined duties, functions and powers of the Indiana Judicial Center, the Division of State Court Administration, and Interstate Compact-related duties under Indiana Code § 11-13-4.5 et seq.;
  - (3) an Office of Finance;
  - (3) an Office of Personnel and Operations;
  - (4) an Office of Supreme Court Services;
  - (5) an Office of Trial and Appellate Court Technology; and
  - (6) any other offices or divisions as needed and approved by the Court.
- E. Other Supreme Court Agencies.** The Clerk of the Indiana Supreme Court, Court of Appeals and Tax Court (Clerk), and the offices of the Commission on Continuing Legal Education (CLE), Board of Law Examiners (BLE), Disciplinary Commission, and Judges and Lawyers Assistance Program (JLAP) shall be subject to and governed by policies and processes of the central IOJA and the CAO in regard to personnel management and human resources; facilities and security; fiscal matters such as budgeting, procurement, purchasing, payment of claims; technology; public information, communications and outreach, including website presence; negotiation, format and execution of non-case related contracts; and any other general policies and procedures approved by the Court and CAO.