

IC 33-28

ARTICLE 28. CIRCUIT COURTS

IC 33-28-1

Chapter 1. Jurisdiction, Duties, and Powers

IC 33-28-1-1

Place of holding court; name of court

Sec. 1. The circuit court shall be held in the respective counties at times as may be fixed by law. The court shall be styled " _____ Circuit Court", according to the name of the county in which it may be held.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-2

Jurisdiction

Sec. 2. (a) All circuit courts have:

- (1) original and concurrent jurisdiction in all civil cases and in all criminal cases;
- (2) de novo appellate jurisdiction of appeals from city and town courts; and
- (3) in Marion County, de novo appellate jurisdiction of appeals from township small claims courts established under IC 33-34.

(b) The circuit court also has the appellate jurisdiction that may be conferred by law upon it.

As added by P.L.98-2004, SEC.7. Amended by P.L.201-2011, SEC.22.

IC 33-28-1-3

Recognizances

Sec. 3. The judge of a circuit court, within the judge's district, shall take all necessary recognizances to keep the peace, or to answer any criminal charge, or offense, in the court having jurisdiction.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-4

Form of process

Sec. 4. If there is a process for which a form is not prescribed by law, a circuit court shall frame a new writ in conformity with the principles of the process.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-5

Process; judgments; sentences; orders and injunctions; commissions for examination of witnesses; oaths; contempt

Sec. 5. A circuit court may do the following:

- (1) Issue and direct all processes necessary to the regular execution of the law to the following:
 - (A) A court of inferior jurisdiction.
 - (B) A corporation.

- (C) An individual.
- (2) Make all proper judgments, sentences, decrees, orders, and injunctions, issue all processes, and do other acts as may be proper to carry into effect the same, in conformity with Indiana laws and Constitution of the State of Indiana.
 - (3) Administer all necessary oaths.
 - (4) Punish, by fine or imprisonment, or both, all contempts of the court's authority.
 - (5) Proceed in any matter before the court, or in any matter in which the proceedings of the court, or the due course of justice, is interrupted.
 - (6) Grant commissions for the examination of witnesses according to the regulations of law.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-6

Subject matter in two or more counties

Sec. 6. When the subject matter of a circuit court is situated in two (2) or more counties, the court that takes cognizance of the matter first shall retain the matter.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-7

Seal of court

Sec. 7. The circuit court of each county shall have a seal. A description of the seal must be signed by the judge devising the seal. The seal must be filed by the clerk and recorded.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-8

Clerk's private seal

Sec. 8. (a) This section applies to a new county in which a seal has not been devised for the county's circuit court.

(b) The clerk of a circuit court located in a county subject to this section may seal all papers required by law to be sealed with the seal of the circuit court with the clerk's private seal. Papers sealed with the clerk's seal under this section are considered to have been sealed with a seal devised by the circuit court.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-9

Failure of judge to attend court

Sec. 9. A suit, process, matter, or proceeding returnable to or pending in any circuit court may not be discontinued by reason of a failure of the judge to attend on the first or any other day of the term.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-10

Sheriff or coroner absent or incapacitated; appointment of elisor

Sec. 10. If, at any time both the sheriff and the coroner are unable

to attend, or if the sheriff and coroner are both incapacitated from serving, the board of county commissioners may appoint an elisor to serve during the pendency of the matter in which the sheriff and coroner are disabled from serving.

As added by P.L.98-2004, SEC.7.

IC 33-28-1-11

Oath, bond, and authority of elisor

Sec. 11. An elisor appointed under section 10 of this chapter shall take the same oath and give the same bond and surety that are required of sheriffs. The elisor has the same authority to perform all the duties of the sheriff that relate to the service for which the elisor is specially appointed. The elisor is governed by the same rules and subject to the same penalties and liabilities as the sheriff.

As added by P.L.98-2004, SEC.7.