

IC 33-33-10

Chapter 10. Clark County

IC 33-33-10-1 Version a

Application

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 1. IC 33-29-1 does not apply to this chapter.
As added by P.L.98-2004, SEC.12.

IC 33-33-10-1 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-2 Version a

Appointment; magistrates

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

(b) The judges of the Clark circuit court and Clark superior court may jointly appoint two (2) full-time magistrates under IC 33-23-5 to serve the circuit and superior courts.

(c) A magistrate continues in office until removed by the judges of the Clark circuit and superior courts.

As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.215.

IC 33-33-10-2 Version b

Appointment; magistrates

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

(b) The judges of the Clark circuit court may jointly appoint two (2) full-time magistrates under IC 33-23-5 to serve the circuit court.

(c) A magistrate continues in office until removed by the judges of the Clark circuit court.

As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.215; P.L.201-2011, SEC.19.

IC 33-33-10-2.5

Judges; jurisdiction; dockets

Effective 1-1-2012.

Sec. 2.5. (a) The Clark circuit court is a court of general jurisdiction with four (4) judges. The divisions of the court shall be known as Clark circuit court No. 1, No. 2, No. 3, and No. 4. Clark County constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

(1) A small claims and misdemeanor division under IC 33-28-3

that has a:

- (A) small claims docket; and
 - (B) minor offenses and violations docket.
- (2) Criminal.
 - (3) Juvenile.
 - (4) Civil.
 - (5) Probate.

(b) The assignment of judges of the circuit court to the dockets specified in subsection (a) must be by rule of the circuit court.

As added by P.L.201-2011, SEC.35.

IC 33-33-10-3 Version a

Establishment of superior courts; qualifications of judges

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 3. (a) There are established three (3) superior courts in Clark County, each of which consists of one (1) judge, who shall hold the judge's office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified.

(b) To be eligible to hold office as a judge of Clark superior court, a person must be:

- (1) a resident of Clark County; and
- (2) admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-3 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-4 Version a

Names; jurisdiction; judicial powers; seal

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 4. (a) The superior courts shall be known as Clark superior court No. 1, Clark superior court No. 2, and Clark superior court No. 3, and the county of Clark shall constitute the judicial district of each court.

(b) Each superior court shall be a court of record having the same jurisdiction as the circuit court. A judge of the superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(c) Each court shall have a seal containing the words "Clark Superior Court _____ (insert "No. 1", "No. 2", or "No. 3") of Clark County, Indiana".

(d) Clark superior court No. 3 has a standard small claims and misdemeanor docket.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-4 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-5 Version a

Rules

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 5. Each judge of a superior court may make and adopt rules and regulations for conducting the business of the judge's court, not repugnant to Indiana law.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-5 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-6 Version a

Judicial powers

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 6. Each judge of a superior court has the same power to grant restraining orders and injunctions, to issue writs of habeas corpus and of mandate and prohibition, to appoint receivers, master commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers necessary to facilitate and transact the business of the court as is conferred on circuit courts or the judges of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-6 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-7 Version a

Location of court sessions

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 7. Each superior court of Clark County shall hold its sessions at the courthouse of the county, or at other convenient places as the court designates in the county. The county commissioners shall provide suitable quarters for each court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-7 Version b

Sessions; operation and maintenance

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 7. (a) Each division of the circuit court of Clark County shall hold its sessions at the courthouse of the county, or at other convenient places as the circuit court designates in the county. The county commissioners shall provide suitable quarters for each division of the circuit court and each magistrate appointed by the circuit court.

(b) Each year the Clark County fiscal body shall budget the necessary funds to provide for the operation and maintenance of the:

- (1) circuit court, including magistrates appointed by the circuit court; and
- (2) office of the clerk of the circuit court.

As added by P.L.98-2004, SEC.12. Amended by P.L.201-2011, SEC.36.

IC 33-33-10-8 Version a

Books, papers, and records of courts

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 8. The clerk, under the direction of a judge of the superior court, shall provide order books, judgment dockets, execution dockets, fee books, and such other books, papers and records as are necessary for that court, and all books, papers, and proceedings of that court shall be kept distinct and separate from those of other courts, and the records of all civil cases separate and apart from the records of juvenile matters.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-8 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-9 Version a

Bailiff

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 9. Each judge of a superior court shall appoint a bailiff for the court, whose salary shall be fixed and paid as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-9 Version b

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-10 Version a

Court reporter

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 10. Each judge of a superior court shall appoint a court reporter, whose duties, salary, and term, shall be regulated in the same manner as the court reporter of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-10 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-11 Version a

Law governing practice and procedure

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 11. All laws governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the courts established under this chapter.

As added by P.L.98-2004, SEC.12. Amended by P.L.118-2007, SEC.23.

IC 33-33-10-11 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-12 Version a

Process of court

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 12. The process of each superior court must have the seal affixed and be attested, directed, served, and returned, and be in form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-12 Version b

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-13 Version a

Change of venue; transfer of case

Note: This version of section effective until 1-1-2012. See also following repeal of this section, effective 1-1-2012.

Sec. 13. When an affidavit for a change of venue is filed in a superior court for any of the causes described in IC 34-35-1-1(1), IC 34-35-1-1(2), IC 34-35-1-1(6), or IC 34-35-1-1(7):

(1) a judge of a circuit court or superior court or a competent attorney shall be called to hear and determine the cause as provided by law for changes of venue in causes pending in the circuit court; or

(2) the cause may be certified to the Clark circuit court or a Clark superior court, in the discretion of the judge of the superior court. The original papers shall be transferred to the court. A transcript is not necessary. The circuit court has jurisdiction to hear and determine the cause and render judgment.

If the cause alleged in the affidavit is embraced in IC 34-35-1-1(3), IC 34-35-1-1(4), and IC 34-35-1-1(5), the change shall be granted, and the cause directed to the circuit or superior court of another county, as provided in cases of changes of venue from the circuit court, and the court to which the case is sent has jurisdiction to hear and determine the cause and render judgment.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-13 Version b

Repealed

(Repealed by P.L.201-2011, SEC.115.)

Note: This repeal of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

IC 33-33-10-14

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-10-15 Version a

Transfer of actions; judge of one court sitting in another

Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.

Sec. 15. (a) The judge of the Clark circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court. The judge of a superior court may, with the consent of the judge of the circuit court, transfer any action or proceeding from that superior court to the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(b) The judge of the Clark circuit court may, with the consent of the judge of the superior court, sit as a judge of that superior court in any matter, as if the judge were an elected judge of that superior court. The judge of a superior court may, with consent of the judge

of the circuit court, sit as a judge of the circuit court as if the judge were an elected judge of the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if the judge were the elected judge of that superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-15 Version b

Transfer of cases

Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.

Sec. 15. (a) A judge of a division of the Clark circuit court may, with the consent of a judge of another division of the circuit court, transfer any action or proceeding from the judge's division to the other judge's division.

(b) A judge of a city or town court located in Clark County may, with the consent of the judge of a division of the Clark circuit court, transfer to the division of the circuit court any cause of action filed and docketed in the city or town court. All original pleadings and documents and bail bonds filed in the cause of action shall be transferred from the city or town court to the receiving division of the circuit court. The cause of action shall be redocketed in the receiving division of the circuit court and disposed of as if originally filed with the receiving division of the circuit court.

(c) The judge of a division of the Clark circuit court may, with the consent of the judge of another division of the circuit court, sit as a judge of the other division of the circuit court in any matter.

As added by P.L.98-2004, SEC.12. Amended by P.L.201-2011, SEC.37.

IC 33-33-10-16

Board of judges; presiding judge

Effective 1-1-2012.

Sec. 16. (a) The Clark circuit court shall be governed by a board of judges composed of all the circuit court judges. The board of judges shall administer the Clark circuit court for all purposes.

(b) The judges of the circuit court shall select from among themselves a presiding judge of the circuit court. The presiding judge shall be selected for a minimum term of twelve (12) months.

As added by P.L.201-2011, SEC.38.

IC 33-33-10-17

Concerted action by judges; majority rules

Effective 1-1-2012.

Sec. 17. (a) When any action of the entire circuit court is required, including selection of a presiding judge under section 16(b) of this chapter and adoption of rules under section 19 of this chapter, the judges of the circuit court shall act by consensus.

(b) If consensus is not possible under subsection (a), the decision of the majority of the judges controls.

As added by P.L.201-2011, SEC.39.

IC 33-33-10-18

Presiding judge; duties

Effective 1-1-2012.

Sec. 18. In accordance with rules adopted by the board of judges under section 19 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the circuit court operates efficiently and judicially under rules adopted by the board of judges.
- (2) Upon approval by the board of judges, annually submit to the fiscal body of Clark County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;
 - (B) the defense of indigents;
 - (C) compensating employees of the circuit court; and
 - (D) maintaining an adequate law library.
- (3) Upon approval by the board of judges, make the appointments or selections required of a circuit or superior court judge.

As added by P.L.201-2011, SEC.40.

IC 33-33-10-19

Rules

Effective 1-1-2012.

Sec. 19. (a) Before March 15 of each year, the board of judges of the circuit court shall adopt rules to provide for the administration of the circuit court, including rules governing the following:

- (1) Allocation of case load.
- (2) Legal representation for indigents.
- (3) Budgetary matters of the circuit court.
- (4) Operation of the probation department.
- (5) Term of administration of the presiding judge.
- (6) Employment and management of circuit court personnel.
- (7) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The board of judges of the circuit court shall file with the division of state court administration a copy of the rules adopted under this section.

As added by P.L.201-2011, SEC.41.

IC 33-33-10-20

Court personnel

Effective 1-1-2012.

Sec. 20. (a) Each judge of the circuit court may employ personnel necessary for the proper administration of the judge's docket.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the circuit court; and

(2) are subject to the rules concerning employment and management of circuit court personnel adopted by the board of judges under section 19 of this chapter.

As added by P.L.201-2011, SEC.42.

IC 33-33-10-21

Court administrator

Effective 1-1-2012.

Sec. 21. (a) The board of judges of the circuit court shall appoint a court administrator to implement and administer the decisions made by the board of judges.

(b) A circuit court administrator appointed under this section is subject to the rules concerning employment and management of circuit court personnel adopted by the board of judges under section 19 of this chapter.

As added by P.L.201-2011, SEC.43.