

IC 33-33-82

Chapter 82. Vanderburgh County

IC 33-33-82-1**Application**

Sec. 1. IC 33-29-1 does not apply to this chapter.

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

IC 33-33-82-2**Judicial circuit**

Sec. 2. Vanderburgh County constitutes the first judicial circuit.

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

IC 33-33-82-3**Magistrate**

Sec. 3. The judge of the Vanderburgh circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

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

IC 33-33-82-4**Judicial powers**

Sec. 4. All inherent powers of judicial mandate in Vanderburgh County remain vested in the judges of the county.

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

IC 33-33-82-5**Establishment of superior court; judges**

Sec. 5. There is established a superior court in Vanderburgh County that consists of seven (7) judges who hold office for six (6) years and until their successors are elected and qualified.

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

IC 33-33-82-6**Magistrates**

Sec. 6. (a) The judges of the Vanderburgh superior court may jointly appoint not more than four (4) full-time magistrates under IC 33-23-5.

(b) A magistrate continues in office until jointly removed by the judges.

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

IC 33-33-82-7**Name**

Sec. 7. The court shall be known as the Vanderburgh Superior Court.

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

IC 33-33-82-8**Seal**

Sec. 8. The court shall have a seal consisting of a circular disk containing the words "Vanderburgh Superior Court", "Indiana", and "Seal", and a design as the court may determine, an impression of which shall be spread of record upon the order book of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-82-9 Version a

Jurisdiction

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

Sec. 9. (a) The superior court has:

- (1) original, appellate, concurrent, and coextensive jurisdiction with the circuit court in all civil cases and criminal cases;
- (2) jurisdiction concurrent and coextensive with the circuit court in all cases of appeal from boards of county commissioners and city courts; and
- (3) all other appellate jurisdiction vested in the circuit court.

(b) The superior court has original and exclusive jurisdiction in all matters pertaining to:

- (1) the probate and the settlement of decedents' estates, trusts, and guardianships;
- (2) the probate of wills, proceedings to resist probate of wills, and proceedings to contest wills;
- (3) the appointment of guardians, assignees, executors, administrators, and trustees;
- (4) the administration and settlement of estates of protected persons (as defined in IC 29-3-1-13) and deceased persons, and of trusts, assignments, adoptions, and surviving partnerships; and
- (5) all other probate matters.

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

IC 33-33-82-9 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 33-33-82-10 Version a

Juvenile jurisdiction

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

Sec. 10. The superior court has exclusive juvenile jurisdiction in Vanderburgh County.

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

IC 33-33-82-10 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 33-33-82-11

Court of record; force and effect of judgments, decrees, and orders

Sec. 11. The superior court is a court of record and its judgments, decrees, orders, and proceedings have the same force and effect and shall be enforced in the same manner as those of the circuit court.

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

IC 33-33-82-12

Power and authority of judges

Sec. 12. (a) The judges of the superior court may make and adopt rules and regulations for conducting the business of the court and have the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders.

(b) The judges may administer oaths, solemnize marriages, take and certify acknowledgment of deeds, and give all necessary certificates for the authentication of the records and proceedings in the court.

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

IC 33-33-82-13

Power of judges same as circuit court judges

Sec. 13. The judges of the superior court have the same powers to grant restraining orders and injunctions; to issue writs of habeas corpus; to appoint receivers, masters, and commissioners to convey real property; to grant commissions for the examination of witnesses; to appoint other officers necessary to facilitate and transact the business of the court as conferred on circuit courts or the judges of the circuit court; and to appoint officers necessary to facilitate the business of the superior court.

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

IC 33-33-82-14

Location of court sessions

Sec. 14. (a) The Vanderburgh superior court shall hold sessions in the Vanderburgh County courthouse in Evansville or its replacement.

(b) The board of county commissioners of Vanderburgh County shall:

- (1) provide and maintain in the courthouse suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, offices for the judges, secretaries, and official court reporters, and other facilities as necessary; and
- (2) provide all the necessary furniture and equipment for the rooms and offices of the court.

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

IC 33-33-82-15

Dockets; books, papers, and records

Sec. 15. The clerk, under the direction of the superior court, shall provide:

- (1) order books;
- (2) judgment dockets;
- (3) execution dockets;
- (4) fee books; and
- (5) other books, papers, and records necessary for the court.

All books, papers and proceedings of the court shall be kept distinct and separate from those of other records.

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

IC 33-33-82-16

Order books; signature of judges

Sec. 16. The superior court shall maintain order books as the court determines necessary for the entire court. An order book may be signed on behalf of the court by any of the sitting judges of the court and the signature constitutes authentication of the actions of each of the judges in the court.

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

IC 33-33-82-17

Court reporter and bailiff

Sec. 17. Each judge of the superior court shall appoint a court reporter, a bailiff, and a riding bailiff for the court whose salaries shall be fixed by the court and paid as provided by law and who serves at the pleasure of the judge making the appointment.

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

IC 33-33-82-18

Additional officers and personnel

Sec. 18. The superior court may appoint additional officers and personnel as necessary for the proper administration of the duties of the court, whose salaries shall be fixed by the court and who serve at the pleasure of the court.

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

IC 33-33-82-19

Probation officers

Sec. 19. The court shall appoint probation officers who shall perform the same duties and receive the same compensation as is provided by law.

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

IC 33-33-82-20

Laws and rules applicable to practice and procedure

Sec. 20. All laws of the state and all rules adopted by the supreme court 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 superior court.

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

IC 33-33-82-21

Repealed

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

IC 33-33-82-22

Appeals from orders or judgments

Sec. 22. Any party may appeal to the supreme court or the court of appeals from any order or judgment of the superior court in any case where an appeal may be had from a similar order or judgment of the circuit court. The appeal is governed by the law and rules governing appeals to the court of appeals and the supreme court.

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

IC 33-33-82-23

Process of court

Sec. 23. The process of the superior court must have the seal affixed and be attested, directed, served, returned, and in the form as is provided for process issuing from the circuit court.

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

IC 33-33-82-24

Presiding judge

Sec. 24. The superior court, by rules adopted by the court, shall designate one (1) of the judges as presiding judge and fix the time the presiding judge presides. The presiding judge is responsible for the operation and conduct of the court and to seeing that the court operates efficiently and judicially.

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

IC 33-33-82-25

Judges; acting in concert; majority decision

Sec. 25. When any action of the entire court is required, the sitting judges of the court shall act in concert. If there is a disagreement, the decision of the majority of the sitting judges controls.

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

IC 33-33-82-26

Transfer of causes from circuit court

Sec. 26. The judge of the circuit court may, with the consent of the superior court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the superior court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the superior court.

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

IC 33-33-82-27**Transfer of causes to circuit court**

Sec. 27. Any judge of the superior court may, with the consent of the judge of the circuit court transfer any action, cause, or proceeding filed and docketed in the superior court to the circuit court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the circuit court.

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

IC 33-33-82-28**Circuit court judge sitting as superior court judge**

Sec. 28. The judge of the Vanderburgh circuit court may sit as a judge of the superior court, with the court's permission, in all matters pending before the superior court, without limitation and without any further order, in the same manner as if the judge were a judge of the superior court with all the rights and powers as if the judge were an elected judge of the superior court.

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

IC 33-33-82-29**Budget estimates**

Sec. 29. The superior court shall submit its budget estimates annually to the auditor of the county for presentment and approval by the county council, as provided in IC 36-2-5.

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

IC 33-33-82-30**Small claims and misdemeanor division**

Sec. 30. The Vanderburgh superior court has a standard small claims and misdemeanor division.

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

IC 33-33-82-31**Judges; nonpartisan elections; declaration of candidacy; eligibility**

Sec. 31. (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

(b) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designated which judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

- (1) domiciled in the county of Vanderburgh;
- (2) a citizen of the United States; and

(3) admitted to the practice of law in Indiana.

(c) If an individual who files a declaration under subsection (b) ceases to be a candidate after the final date for filing a declaration under subsection (b), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(d) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(e) IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

As added by P.L.98-2004, SEC.12. Amended by P.L.58-2005, SEC.37.