

In the
Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-71



Order Approving Amended Local Rules

The Judges of the Floyd Circuit and Superior Courts request the approval of amended local rules for caseload allocation and criminal case assignment in accordance with Administrative Rule 1(E). Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Floyd Circuit and Superior Courts, this Court finds that the proposed amendments to LR22-TR00-117 and LR22-CR2.2-208 comply with the requirements of Administrative Rule 1(E) and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR22-TR00-117 and LR22-CR2.2-208, for the Floyd Circuit and Superior Courts, set forth as attachments to this Order, are approved effective April 1, 2025.

Done at Indianapolis, Indiana, on 3/26/2025.

Loretta H. Rush

Loretta H. Rush
Chief Justice of Indiana

LR22-TR00 RULE 117
ASSIGNMENT OF CASES TO EQUALIZE
WORKLOAD BETWEEN COURTS

A. Assignment. The judges of the Circuit and Superior Courts shall meet on or before October 15 of each year to assign cases to review the Caseload Allocation Plan. Different numbers of cases may be assigned to each court based on the caseload statistics received each year from the Office of Court Services.

B. Transfer. Transfer between the Floyd Circuit Court and the Floyd Superior Courts shall be accomplished pursuant to IC 33-29-1-9 & 10, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in any court with mutual consent.

C. Authority of Judicial Officer to Serve in Other Courts. Upon request, a judicial officer of a court of record within a county or district may serve as acting judge in any matter in any court within the judicial officer's county, district, and contiguous counties. The acting judge serves as if the judicial officer were the elected judge in that court. The authority to serve as acting judge applies even when the regular judge of the other court is present and available in the building that contains the court.

D. Criminal Cases. Except as otherwise specifically provided for, all cases which include Class A, Class B, Class C, Class D, Level 1, Level 2, Level 3, Level 4, Level 5 or Level 6 Felony offenses, as the most serious charged offense, or Misdemeanor Domestic Violence cases shall be assigned as follows:

25% in Circuit Court, 75% in Superior Court #1, unless the defendant has military history or is participating in an adult problem-solving court, then the case shall be filed in Superior Court #3.

- (1) All Murder cases shall be filed 50% in Floyd Circuit Court and 50% in Floyd Superior Court 1, unless the defendant has military history or is participating in an adult problem-solving court, then the case shall be filed in Superior Court #3.
- (2) If a Defendant is charged with a new offense of any Level and has a pending case, or is presently on probation or has a case under advisement or a case which has been diverted in the Circuit Court or Superior Court #1, then such new case shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.
- (3) If a Defendant picks up a new charge and that Defendant does not have military history and is not participating in an adult problem-solving court but is on probation, diversion, or has other pending case in Floyd Superior Court 3, then the probation, diversion, or pending case shall be transferred to the Court where the new charge is filed.
- (4) All Traffic Infractions and Ordinance Violations shall be filed in the Superior Court #2.

- (5) All Motor Vehicle Code violations shall be filed in Superior Court #2, unless the defendant has military history, then the case shall be filed in Superior Court #3.
- (6) All Traffic Misdemeanor and Level 6 Felony Traffic cases shall be filed in Superior Court #2 unless the Defendant has military history, is participating in an adult problem-solving court, or has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court or Superior Court #1. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted or in Superior Court #3, if the Defendant has military history or is participating in an adult problem-solving court.
- (7) If a Defendant has a pending case or is on probation or has a case under advisement or a case which has been diverted in Superior #2 and is charged with a new Level 6 non-traffic Felony, such cases shall be assigned as follows: 75% in Superior Court #1 and 25% in Circuit, unless the defendant has military history or participating in an adult problem-solving court, then the case shall be filed in Superior Court #3.
- (8) All other Misdemeanor offenses cases shall be filed in the Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit Court or Superior Court #1. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted, unless the defendant has military history or is participating in a Floyd County Adult Problem-Solving Court, then the case shall be filed in Superior Court #3.
- (9) In the event a criminal case is dismissed, and thereafter, the same or similar case is filed against the same defendant(s) based upon the same transaction, the case shall be assigned to the judge who entered the Order of Dismissal on the earlier case.

D. Civil Cases.

- (1) Except as provided by statute, Civil Tort (CT), Civil Plenary (CP), Mortgage Foreclosure (MF), Eviction (commercial) (EV) and Miscellaneous cases (MI) shall be filed in Superior Court #3. However, (a) any civil case filed for forfeiture of property seized by law enforcement under a criminal case, shall be filed in the Court where the related criminal case is filed; and (b) any civil case that has an ancillary DC, DN, GV, or JP case shall be filed in the Court where the ancillary case is filed.
- (2) Civil Collection (CC) cases \$2,500 and over shall be filed in Superior Court #3.
- (3) Civil Collections (CC) cases under \$2,500 shall be filed in Superior Court #2.

- (4) TP and TS cases (Application for Judgment and Petitions for Issuance of Tax Deed) shall be filed in Circuit Court.
- (5) RF and RA cases may be filed in any of the Floyd County Courts.

E. Protection Order. All Protection Orders (PO) shall be filed in Superior Court #3 (See Local Rule LR22-FR00-314 regarding transfer of Protection Order cases).

F. Domestic Relations (DC, DN) and Grandparent Visitation (GV) Cases. All Pro Se DN, DC, and GV cases shall be filed in the Superior Court #3. All non-pro se DN, DC, and GV cases may be filed on an open basis in Circuit Court, Superior Court #1, or in Superior Court #3.

G. Reciprocal Support and IV-D Child Support Cases. All Reciprocal Support and IV-D child support cases shall be assigned to the Superior #1.

H. Small Claims. All Small Claims and Eviction (residential) (EV) cases shall be filed in Superior Court #2.

I. Mental Health. Mental Health cases may be filed in any of the Floyd County Courts.

J. Juvenile. All JP, JC, JT and JM (CHINS) cases shall be filed in Circuit Court subject to LR22-TR-00-117B. All JD, JS and JM (Delinquent) cases shall be filed in Circuit Court subject to LR22-TR-00-117B. All JP, JD, JS and JM (Delinquent) shall be heard by the Magistrate unless the Magistrate has a conflict or is unavailable. In such event the elected Circuit Court Judge or a Senior Judge shall hear the case. If the State of Indiana files a Motion to Waive Juvenile Jurisdiction in a JD case, the waiver hearing shall be conducted by the elected Circuit Court Judge.

K. Adoptions, Guardianships and Estates. All Adoptions, Guardianships, Trust matters and Estates (supervised, unsupervised and miscellaneous) shall be filed in the Circuit Court.

L. Expungements (XP). A Petition for Expungement shall be filed in the Court where the highest level of felony or misdemeanor conviction was entered. If the same level of conviction was entered in multiple courts, the petition may be filed on an open basis in any Court in which the highest level felony was entered.

M. Commercial Court eligible (CE). Any case which is eligible to be filed in Commercial Court shall be filed in Superior Court #3.

N. Adult Problem Solving Court Program(s).

- (1) Floyd County Problem Solving Court Program(s) shall be established pursuant to IC 33-23-16-11 and in accordance with Floyd County Local Rules to provide specialized services, including: clinical assessment, education, referral for treatment, and service coordination and case management for eligible defendants and probationers, as determined by its written policy and procedures.

- (2) Those persons directed to participate in any Floyd County Problem Solving Court Program shall pay the following fees in accordance with IC 33-23-16-23:
 - (a) The program fee, not to exceed one hundred (\$100.00) dollars, per admission for initial problem solving court services regardless of the length of participation;
 - (b) The court service fee, not to exceed fifty (\$50.00) dollars per month beginning in the second month of participation and for each month of participation thereafter for the duration of individual's participation; and
 - (c) The transfer fee, not to exceed twenty-five (\$25.00) dollars, transfer to the problem solving court.
 - (d) Any additional costs associated with recommended treatment, fees, other costs and restitution.
 - (e) Any fee may be waived by Order of the Court to avoid a financial hardship, upon termination, subsequent disqualification from the program or for any other reasonable circumstances determined by the court.
- (3) The clerk of the court shall collect and transmit the program fee within thirty (30) days after the fees are collected, for deposit by the auditor or fiscal officer in the appropriate user fee fund established under IC 33-37-8.
- (4) The day-to-day operation and management of Floyd County Problem-Solving Courts shall be assigned to Floyd Superior Court 3.
- (5) All criminal charges shall be filed as provided for in this rule. However, after a charge has been filed, a judge may refer the defendant to a Problem Solving Court, and if accepted by the Problem Solving Court the Judge may transfer the defendant's case to the Problem Solving Court for admission and disposition in accordance with IC 33-23-16-13, 14 or 15 and the Problem Solving Court policies and procedures.
- (6) A Floyd County Problem Solving Court may initiate and/or accept transfers of individuals from another court.

O. Allocation of use of the Magistrate for Purposes of Weighted Caseload Utilization.

Circuit Court shall be allocated two and three-quarter (2 $\frac{3}{4}$) days per week for use of the Magistrate. Superior Court #2 shall be allocated one and a quarter (1 $\frac{1}{4}$) days per week for use of the Magistrate. Superior Court #1 shall be allocated three-quarters ($\frac{3}{4}$) of a day per week for use of the Magistrate. Superior Court #3 shall be allocated one-quarter ($\frac{1}{4}$) day per week for use of the Magistrate. When reporting quarterly and annual statistics to Indiana Office of Court Services, it shall be the duty of the Court Reporter of each Court to include the Magistrate's allocated time in such quarterly and annual reports.

LR22-CR2.2-208
CASE ASSIGNMENT

A. Application. In the event a case charges both a felony and a misdemeanor, the case shall be considered a felony for the application of this rule.

B. Assignment. For specific case assignment, refer to Local Rule (Civil) LR22-TR00-117 'Assignment of Cases'.

C. Authority of Judicial Officer to Serve in Other Courts. Upon request, a judicial officer of a court of record within a county or district may serve as acting judge in any matter in any court within the judicial officer's county, district, and contiguous counties. The acting judge serves as if the judicial officer were the elected judge in that court. The authority to serve as acting judge applies even when the regular judge of the other court is present and available in the building that contains the court.