

STATE OF INDIANA – COUNTY OF MONROE  
IN THE MONROE CIRCUIT COURT

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**Notice of Proposed Local Rule Amendment and Finding Good Cause to Deviate  
From Established Schedule  
November 17, 2022**

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The judges of the Monroe Circuit Court, pursuant to Trial Rule 81(B), give notice of amendments to the local court rules and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D). All new text is shown by **bold** and deleted text is shown by ~~strikethrough~~.

In accordance with Trial Rule 81, the time period for the bar and public to comment shall begin on November 17, 2022 and shall close December 22, 2022 and the rule would be effective January 1, 2023. Comments may be made to Lisa Abraham, Court Administrator, 301 N. College Avenue, Bloomington, IN 47404 or email comments to [labraham@co.monroe.in.us](mailto:labraham@co.monroe.in.us).

In addition, complete rule language is available for review on the Monroe County Local Rules section of the Indiana Judiciary website <http://www.in.gov/judiciary/2918.htm>, Monroe Circuit Court website <https://www.co.monroe.in.us/department/?structureid=104> and a copy posted in the Monroe Circuit Clerk's office.  
(See attached list of the proposed changes to the Monroe Circuit Court Local Rules.)

DATED this 17th day of November 2022 on behalf of the Judges of Monroe County.

  
MaryEllen Diekhoff, Judge  
Presiding Judge  
Monroe Circuit Court

## ***LR53-AR00-0108 CASELOAD ALLOCATION***

Updated 11/17//2022

### A. Procedure. The Board of Judges shall:

1. Review and comply with current caseload allocation orders of the Indiana Supreme Court.
2. Review and assess literature from the Indiana State Bar Association, the American Bar Association, and the National Center for State Courts.
3. Review and consider suggestions made by the Monroe County Bar, the Prosecuting Attorney, and the Public Defender.
4. Review and analyze the statistics on current workload and case flow within the Monroe Circuit Court.
5. Analyze whether the current allocation is providing quality public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time, and resources to effectuate change. Caseload allocation shall be determined by judicial seniority.

### B. Implementation. The Clerk of Monroe County shall maintain a random filing system, by computer or otherwise, implementing the caseload allocation approved by the Board of Judges. If the caseload allocation is changed by order of the Board of Judges, the Presiding Judge shall forward the amended allocation to the Clerk of the Supreme Court and Court of Appeals, the State Court Administrator, the Clerk of the Monroe Circuit Court, and the President of the Monroe County Bar Association. The current allocation is as follows:

1. Case Assignment. The Clerk shall assign cases as from time to time directed by the Board of Judges.
  - a. The Clerk shall randomly assign all murder, A, B, C, D, Level I, Level II, Level III, Level IV, Level V, Level VI felony and misdemeanor cases to Divisions II, III, V, and IX.
  - b. Domestic relations cases shall be randomly assigned ~~50%~~ **75%** to Division IV and ~~25%~~ **50%** to Division VIII, *unless consolidated with an active protection order case as provided in paragraph c.*
  - c. Protective Order cases shall be randomly assigned 50% to Division IV and 50% to Division VIII. If, however, the parties to the Protection Order case have an active or closed Domestic Relations case with Children (DC) or a closed Domestic Relations case without Children (DN) or an active Child in Need of Services (CHINS) case, the Protection Order case will be assigned to the Division with the

DN, DC or CHINS case. Domestic Relations cases shall be assigned to the Division with an active Protection Order case involving the same parties

- d. Tort, Civil Plenary, Civil Collection, ~~Eviction (Civil)~~ and Mortgage Foreclosure **and Mental Health** cases shall be randomly assigned 50% to Division I and 50% to Division VI.
- e. Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous, ~~Juvenile~~ Paternity, **Juvenile CHINS, Juvenile Terminations, and** Adoption and Mental Health cases shall be assigned to Division VII. Guardianship and Guardianship Miscellaneous cases shall be assigned to Division I.
- f. ~~Juvenile CHINS and Juvenile Terminations filed by the Office of Family and Children shall be assigned 50% to Division VII. and 50% to Division VI. **Juvenile Paternity cases shall be assigned 25% to Division VI, and 75% to Division VIII.**~~
- g. Estate and Trust cases shall be assigned to Division I.
- h. Small Claims **shall be randomly assigned 25% to Division IV and 75% to Division VIII.** and Eviction (small claims) cases shall be randomly assigned 50% 75% to Division IV and 50% 25% to Division VIII.
- i. Infraction cases shall be assigned 25% to Division VI, **and 75% to Division VIII.**
- j. Reciprocal Support ~~and Civil Miscellaneous~~ cases shall be assigned 100% to Divisions ~~I, IV, VI, and VIII.~~
- k. A redocketed case bearing a 1992 or earlier cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
- l. A redocketed case bearing a 1993 or later cause number shall be assigned to the court of original jurisdiction if that division in the reallocation of cases is assigned that case type, otherwise it will be randomly assigned to a division with that jurisdiction.
- m. The Clerk shall use the related case function in the Odyssey Case Management System in Protection Order (PO) and Juvenile Paternity (JP) cases involving the same parties to facilitate coordination, consistency, and efficiency within judicial orders.
- n. The Clerk shall use the related case function in the Odyssey Case Management System if an active CHINS case pending in ~~Division VI or Division VII~~ involves the same parties to a new or pending Domestic Relations, Reciprocal Support, or

Protective Order cases.

- o. Tax Sale (TS) and Tax Petition (TP) cases shall be assigned to Division I.
  - p. Juvenile Protective Order (JQ) cases shall be randomly assigned 50% to Division VI and 50% to Division VII.
  - q. Expungement (XP) cases shall be assigned to Divisions II, III, V and IX. If multiple cases are listed on the Expungement Petition, the XP case shall be filed in the Criminal Court with the oldest case listed in the petition (Divisions II, III, V, IX.) If only one case is listed on the Expungement Petition and that Court no longer hears criminal cases, the case will be randomly assigned to a practicing criminal court (II, III, V, IX); however, the original criminal files should not be transferred to that Court and will retain their original cause number.
  - r. New Guardianship (GU) cases shall be assigned to the division with a related pending CHINS case.
  - s. **Civil Miscellaneous (MI) cases shall be assigned 50% to VI and 25% to Division IV and 25% to Division VIII.**
  - t. **Ordinance Violations shall be assigned to Division VIII.**
2. **Case Re-filed.** If a case is dismissed without prejudice on a plaintiff's motion and the same case is subsequently re-filed by a plaintiff, the re-filed case shall be assigned to the same Division of the Monroe Circuit Court in which the dismissed case was originally filed providing that division is overseeing that case type. If that division is no longer hearing that case type, then the Clerk will randomly assign that case to a division with jurisdiction. "Same case" shall mean substantially the same cause of action, arising out of the same transaction or occurrence, and between substantially the same parties. If such a re-filed case is not initially re-filed in the same division of the Monroe Circuit Court, then upon motion of any party or Court, it shall be transferred to the Division of the Monroe Circuit Court in which it was originally filed.
3. **Change of Judge.** When a special judge must be appointed in accordance with Trial Rule 79 (H), the case shall be randomly reassigned to another division of the court currently receiving new filings of that case type pursuant to Caseload Allocation Rule LR 53-AR00108. Juvenile CHINS, Juvenile Termination of Parental Rights and Adoption cases shall be reassigned to Division ~~VI~~ **IV**. Estate and Trust cases shall be reassigned to Division VII. Juvenile Status, Juvenile Miscellaneous, ~~Juvenile Paternity, Mental Health, Guardianship, and Guardianship Miscellaneous, and Juvenile Delinquency~~ cases shall be randomly reassigned 50% to Division ~~IV~~ **VI** and 50% to Division VIII. **Juvenile Protective Order (JQ) and Juvenile Delinquency cases shall be reassigned to Division I.**

The Court Reporter shall notify the Clerk of the need for reassignment in accordance with District Rule DR 20-TR79-000.

C. Case Consolidation.

1. Civil cases. Civil cases filed against different defendants that arise out of the same occurrence, or multiple cases filed against the same defendant may be consolidated and assigned to the division with the oldest case number.
2. Criminal cases. All criminal cases against a defendant shall be consolidated in the Division with the oldest pending case number. A new case shall be filed in that Division, or transferred to that Division. Pending cases include defendants on Probation and in the Pre-Trial Diversion Program.

D. Case Transfer.

Nothing in this Rule shall preclude the transfer of case from one Division of the Circuit Court to another Division to promote efficiency and provide for timely resolution of cases. Upon transfer, credit will be given to the new Division assigned by the Odyssey Case Management System.