

In the
Indiana Supreme Court

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

Supreme Court Case No.
23S-MS-00107



Order Approving Amended Local Rules

The Judges of the Owen County Circuit Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendments requested by the Owen County Circuit Courts, this Court finds that the proposed rule amendments at LR60-AR1(E)-1 comply with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR60-AR1(E)-1, for the Owen County Circuit Courts, set forth as an attachment to this Order, is approved effective May 1, 2023.

Done at Indianapolis, Indiana, on 4/27/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

LR60-AR1 (E)-1 CASELOAD ALLOCATIONS

A. PROCEDURE. The Presiding Judge and Vice Presiding Judge 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 Owen County Bar Association, the Prosecuting Attorney and Public Defenders.
4. Review and analyze the statistics on current workload and case flow within the Owen 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 the public confidence in the system, promote stability for 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 Owen County shall maintain a 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 the Court of Appeals, the State Court Administrator, the Clerk of the Owen Circuit Court and the President of the Owen County Bar Association. The current allocation will be as follows:

1. CASE ASSIGNMENT.

The Clerk shall assign cases as directed by the Presiding Judge and Vice Presiding Judge.

- a. The Clerk shall assign all Criminal and Traffic cases to Circuit Court 1.
- b. The Clerk shall assign all Domestic Relation, Juvenile Paternity, Reciprocal Support, Protective Orders, CHINS, Juvenile Miscellaneous filed by the Department of Child Services and Juvenile Terminations, Small Claims, Ordinance Violations and all Civil cases to Circuit Court 2.
- c. The Clerk shall assign all Juvenile Delinquencies, Juvenile Status, Juvenile Miscellaneous resulting from delinquent acts, Adoptions, Mental Health, Guardianship and Estates to Circuit Court 1.
- d. Circuit Court 1 will be assigned any cases referred to the Owen County Drug Court. Circuit Court 2 will be assigned any request made by the Drug Court team regarding any individuals for termination from the Drug Court.
- e. Circuit Court 1 will be assigned any cases referred to the Owen County Juvenile Problem Solving Court. Circuit Court 2 will be assigned any requests made by the Juvenile Problem Solving team regarding any juveniles for termination from the Juvenile Problem Solving Court.
- f. Circuit Court 1 will be assigned all defendants and juveniles terminated from the Drug Court or Juvenile Problem Solving Court for sentencing and disposition.
- g. The Clerk shall assign to Circuit Court 1 all MC cases. The Clerk shall assign to Circuit Court 2 all MI cases.

C. ADDITIONAL AUTHORITY

1. The Judicial Officers of Owen Circuit Courts, may sit as acting Judge in any matter as if the Judge were the elected or appointed Judge in the Owen Circuit Court I or Owen Circuit Court II upon the unavailability of the elected or appointed Judges and shall denominate their authority as “Acting Judge”, as provided in Ind. Administrative Rule 1.
2. As both courts have original and concurrent jurisdiction in all civil and criminal cases pursuant to Ind. Code 33-28-1-2, nothing in these rules prevent the Judge of one Court from transferring any case to be redocketed in another Court, if the Judge of the receiving Court consents to the transfer.