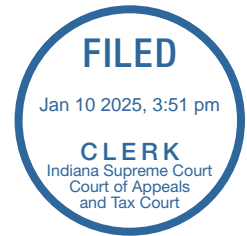


In the
Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-11



Order Approving Amended Local Rules

The Judges of the Delaware Circuit Courts request the approval of amended local rules for caseload allocation and criminal case assignment in accordance with Administrative Rule 1(E), for court reporter services in accordance with Administrative Rule 15, for special judge assignments in accordance with Trial Rule 79, and for criminal special judge assignments in accordance with Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Delaware Circuit Courts, this Court finds that the proposed amendments to LR18-AR00-DLR-0012 comply with the requirements of Administrative Rule 1(E), the amendments to LR18-AR00-DLR-0010 comply with Administrative Rule 15, the amendments to LR18-TR79-DLR-0011 comply with Trial Rule 79, and the amendments to LR18-AR00-DLR-0006.5 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR18-AR00-DLR-0012, LR18-AR00-DLR-0010, LR18-TR79-DLR-0011, and LR18-AR00-DLR-0006.5, for the Delaware Circuit Courts, set forth as attachments to this Order, are approved and effective on the date of this Order.

Done at Indianapolis, Indiana, on 1/10/2025.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR18-AR00-DLR-0006.5 CRIMINAL CASE REASSIGNMENT AND SPECIAL JUDGE SELECTION

(A) Reassignment.

If a judge grants a change of judge motion, or should a judge find it necessary to disqualify and assign a different judge to a case, the Clerk shall reassign the case as follows:

- Cases from the Delaware Circuit Court No. 1 shall be reassigned to the Delaware Circuit Court No. 2.
- Cases from the Delaware Circuit Court No. 2 shall be reassigned to the Delaware Circuit Court No. 3.
- Cases from the Delaware Circuit Court No. 3 shall be reassigned to the Delaware Circuit Court No. 4.
- Cases from the Delaware Circuit Court No. 4 shall be reassigned to the Delaware Circuit Court No. 5.
- Cases from the Delaware Circuit Court No. 5 shall be reassigned to the Delaware Circuit Court No. 1.

If the judge to whom the case is assigned cannot assume jurisdiction for any reason, the Clerk shall assign the case to the next judge in the consecutive order as set out above.

(B) Special Judge Assignment – Outside Delaware County.

If the Clerk is unable to assign a special judge under the provisions of Trial Rule 79(H), then the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the full-time judicial officers from the following available panel:

- (1) Presiding Judge, Blackford Circuit Court;
- (2) Presiding Judge, Blackford Superior Court;
- (3) Presiding Judge, Henry Circuit Court No. 1
- (4) Presiding Judge, Henry Circuit Court No. 2;
- (5) Presiding Judge, Henry Circuit Court No. 3;
- (6) Presiding Judge, Jay Circuit Court;
- (7) Presiding Judge, Jay Superior Court;
- (8) Presiding Judge, Randolph Circuit Court;
- (9) Presiding Judge, Randolph Superior Court;

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next full-time judicial officer on the list.

If the Clerk is unable to assign a special judge from the judicial officers listed above, then the Clerk shall select a full-time judicial officer from the contiguous counties of Madison or Grant.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

(A) Section One. Definitions

The following definitions shall apply under this local rule:

(1) A court reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) Equipment means all physical items owned by the court or other government entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, copy machines, fax machines, computer hardware, software programs, disks, tapes and any other device used for recording, storing and transcribing electronic data.

(3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana rule of Appellate Procedure.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week.

(7) Gap hours worked means those hours worked in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days through the year, i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts of record in Delaware County.

(11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court. The county indigent transcript will also include any requests from the local Prosecutor's Office.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) Private transcript means a transcript that is paid for by a private party, but not limited to a deposition transcript.

(14) Expedited means transcripts which are requested to be completed within three (3) days.

(15) Rush/Overnight means transcripts which are requested to be completed within twenty-four (24) hours.

(B) Section Two. Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall inform the court reporter the manner in which the court reporter is to be compensated for gap and overtime hours, by receiving compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent, State indigent, or private transcript shall be \$5.50, including cover pages; \$1.00

per page for a paper copy of a transcript provided to the Public Defender's Office or the Prosecutor's Office; and .50¢ per exhibit. The fee for an "expedited" transcript (preparation within three (3) days) on a county case shall be \$7.50 per page. The court reporter shall submit a claim voucher to the supervising judge for approval of payment by the county for the preparation of any county indigent transcripts.

(3) If a court reporter is requested to prepare an indigent "rush/overnight" transcript (preparation within twenty-four (24) hours or less), the per page fee shall be \$8.50.

(4) An additional labor charge approximating the hourly rate based upon the court reporter's annual fixed compensation as reflected in the court budget, may be charged for the time spent binding the transcript and exhibit binders. The labor charge shall not exceed two (2) hours, unless unusual circumstances permit the submission of a recapitulation enumerating the hours spent beyond the two (2) hour base.

(5) The Index and Table of Contents pages shall be charged at the per page rate being charged for transcript preparation either for county, state or private cases.

(6) A minimum fee up to \$35.00 per transcript shall be allowed for transcripts under eight (8) pages.

(7) The court reporter or designated court employee shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent or private transcripts to the Indiana Supreme Court Office of Judicial Administration. The reporting shall be made on forms prescribed by the Office of Judicial Administration.

(8) The preparation of any transcript for payment shall not be performed during regular work hours, including but not limited to, transcribing, copying, or other functions related to the compilation of the transcript.

(9) An electronic or digital copy of any transcript that has already been prepared will not be assessed a fee, unless the court reporter is supplying the media, in which a fee of \$10.00 will be charged.

(C) Section Three. Private Practice

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular work hours and the court reporter will not be allowed to utilize the court equipment to do so.

(D) Section Four. Supplies

(1) All supplies for County or State indigent transcripts, i.e., transcript paper, binders and copy paper shall be provided through the court system's office supply account.

(2) All supplies for Private transcripts, i.e., transcript paper, binders and copy paper shall be the responsibility of the court reporter. The court reporter will not be allowed to charge for the cost of such supplies due to the allotted fee approved herein for the preparation of a private transcript.

LR18-TR79-DLR-0011 CIVIL PRACTICE AND PROCEDURE

The following local rule regarding selection of special judges where a special judge does not accept a civil case under TR 79(D), is now adopted by the undersigned judges of the Delaware Circuit Court, in conjunction with the other Courts of Administrative District 15.

(A) Conflicts by Circuit Court No. 2 Judge in DR (Domestic Relations) and JP (Juvenile Paternity) cases from Title IV-D Court.

In DR (Domestic Relations) and JP (Juvenile Paternity) cases from Title IV-D Court where the Circuit Court No. 2 Judge has a conflict and enters an order of disqualification or recusal, and parties do not agree to a particular special judge pursuant to TR 79(D), the Clerk of Delaware County shall assign the case to the regular sitting Judge in Circuit Court No. 3. If that Judge is unable to serve as set forth in Trial Rule 79 (H), then the Clerk shall select a special judge pursuant to paragraph B or C of this local rule.

(B) Conflicts by Circuit Court No. 2 Judge in JC (Juvenile CHINS) cases from Title IV-D Court.

In JC (Juvenile CHINS) cases from Title IV-D Court where the Circuit Court No. 2 Judge has a conflict and enters an order of disqualification or recusal, and parties do not agree to a particular special judge pursuant to TR 79(D), the Clerk of Delaware County shall assign the case to the regular sitting Judge in Circuit Court No. 1. If that Judge is unable to serve as set forth in Trial Rule 79 (H), then the Clerk shall select a special judge pursuant to paragraph B or C of this local rule.

(C) Assignment - Civil.

In civil cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the full-time judicial officers from the following available panel (omitting the judicial officer from whom the change of venue is being taken):

- (a) Presiding Judge, Delaware Circuit Court No. 1;
- (b) Presiding Judge, Delaware Circuit Court No. 2;
- (c) Presiding Judge, Delaware Circuit Court No. 3;
- (d) Presiding Judge, Delaware Circuit Court No. 4;
- (e) Presiding Judge, Delaware Circuit Court No. 5;
- (f) Presiding Judge, Blackford Circuit Court;
- (g) Presiding Judge, Blackford Superior Court;
- (h) Presiding Judge, Henry Circuit Court No. 1
- (i) Presiding Judge, Henry Circuit Court No. 2;
- (j) Presiding Judge, Henry Circuit Court No. 3;
- (k) Presiding Judge, Jay Circuit Court;
- (l) Presiding Judge, Jay Superior Court;
- (m) Presiding Judge, Randolph Circuit Court; and
- (n) Presiding Judge, Randolph Superior Court.

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next full-time judicial officer on the list.

If all judicial officers in Delaware County are ineligible to serve, the sitting judge shall direct the Clerk of Delaware County to select (on a rotation basis) one of the full-time judicial officers from the Administrative District (omitting all Delaware County judicial officers).

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

(D) Assignment – Juvenile.

In juvenile cases where the appointment of a special judge is required under TR 76, or the presiding judge has disqualified or recused under TR 79(C), and parties do not agree to a particular special judge pursuant to TR 79(D); the regular sitting judge shall direct the Clerk of Delaware County to select (on a rotating basis) one of the following available full-time judicial officers:

- (a) Presiding Judge, Blackford Circuit Court;
- (b) Presiding Judge, Henry Circuit Court No. 1
- (c) Presiding Judge, Jay Circuit Court; and
- (d) Presiding Judge, Randolph Circuit Court;

If a special judge selected from the rotating list is ineligible for, disqualified from, or excused from appointment, then the regular sitting judge shall direct the Delaware County Clerk to select (on a rotating basis) the next judge full-time judicial officer on the list.

In the event that no judicial officer within the above list is eligible to serve as special judge, or if the case's particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court to appoint a special judge.

(E) Maintaining Separate Lists.

The Delaware County Clerk shall maintain separate civil and juvenile lists, in the rotation order as set forth in this Rule, from which the clerk may determine the appropriate appointment in civil and juvenile cases.

(F) Forfeiture Proceedings

If the respondent has filed an answer, the court shall schedule a hearing, upon the conclusion of any related criminal matter, to determine the legitimacy of the forfeiture by a preponderance of the evidence pursuant to I.C. 34-24-1-4.

(G) Protective Orders

If a Protective Order is filed in a court and the judicial officer cannot rule on the ex parte request due to a conflict, the judicial officer shall instruct the Clerk to reassign the protective order pursuant to LR18-CR00-DLR-0006.5(A).

LR18-AR00-DLR-0012 ALLOCATION AND ASSIGNMENT OF CASES

Cases shall be filed per the following allocation:

Circuit Court No. 1

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal – excluding Waiver of Reinstatement of Fees Cases), misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies, and RF (Firearm Seizures).

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), AD (Adoption), MI (Miscellaneous – excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases, excluding Traffic Amnesty Cases), ES, EM, EU, GU, TR (Probate), PO (Protective Orders), PC (Post-Conviction Relief), RF (Firearm Seizures), SC (Small Claims-for disallowed claims filed in conjunction with ES and EU cases only), GV (Grandparent Visitation), RA (Judicial Review of Administrative Agency Decisions).

Circuit Court No. 2

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal – excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

Juvenile: JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination), JQ (Juvenile Protective Order), JM (Juvenile Miscellaneous).

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), AD (Adoption), MI (Miscellaneous - excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases, excluding Traffic Amnesty Cases), GU-with related juvenile cases ONLY, PO (Protective Orders), PC (Post-Conviction Relief), GV (Grandparent Visitation), RA (Judicial Review of Administrative Agency Decisions).

Circuit Court No. 3

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal, Waiver of Reinstatement of Fees Cases), and

misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies, OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity)

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MI (Miscellaneous, Specialized Driving Privilege Cases, Judicial Review of Habitual Violator Suspension Cases, Traffic Amnesty Cases), MH (Mental Health), PO (Protective Orders), XP (Expungement), PC (Post-Conviction Relief), GV (Grandparent Visitation), RA (Judicial Review of Administrative Agency Decisions), RS (Reciprocal Support).

Circuit Court No. 4

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal – excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

City Court: Any criminal cases transferred from Muncie City Court may be filed in the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

If no felony cases are pending against the Defendant the misdemeanor will be filed in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), AD (Adoption), MI (Miscellaneous - excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases, excluding Traffic Amnesty Cases) PO (Protective Order), SC (Small Claims), EV (Eviction), PC (Post-Conviction Relief), GV (Grandparent Visitation), RA (Judicial Review of Administrative Agency Decisions).

Circuit Court No. 5

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A felony), FB (Class B felony), FC (Class C felony), FD (Class D felony), MC (Miscellaneous Criminal), and misdemeanors in conjunction with Murder, or A, B, C Felonies or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 felony); F2 (Level 2 felony); F3 (Level 3 felony); F4 (Level 4 felony); F5 (Level 5 felony); F6 (Level 6 felony), MC (Miscellaneous Criminal – excluding Waiver of Reinstatement of Fees Cases), and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5 and 6 felonies.

City Court: Any criminal cases transferred from Muncie City Court may be filed in the Division of the Circuit Court that holds the highest pending felony charge, regardless of when the misdemeanor crime was allegedly committed.

If no felony cases are pending against the Defendant the misdemeanor will be filed in the Delaware Circuit Court No. 4 or No. 5 under the following rotation schedule:

- Circuit Court No. 4: January, March, May, July, September and November;
- Circuit Court No. 5: February, April, June, August, October, and December.

A “pending” case is a case not yet disposed of by guilty plea, jury trial, bench trial, bench disposition, or dismissal.

Civil: PL (Civil Plenary), CC (Civil Collection), CT (Civil Tort), DR, DC, DN (Domestic Relations), MF (Mortgage Foreclosure), MI (Miscellaneous – excluding Specialized Driving Privilege Cases, excluding Judicial Review of Habitual Violator Suspension Cases, excluding Traffic Amnesty Cases), PO (Protective Order), SC (Small Claims), EV (Eviction), ES, EU, EM, GU, TR (Probate), TS (Tax Sale), TP (Tax Deed Petition), PC (Post-Conviction Relief), GV (Grandparent Visitation), RA (Judicial Review of Administrative Agency Decisions).

(1) Assignment of cases as heretofore set out will continue to be subject to all Local Rules regarding non-discretionary assignment of felony and misdemeanor cases.

(2) Forfeiture Proceedings – The State of Indiana shall file the forfeiture action as a miscellaneous civil (MI) action in the Circuit Court Division where the State either has filed or is required to file the related criminal action pursuant to Local Rule. If the State does not intend to file a criminal action, or the criminal action has been filed with Muncie City Court, the State shall then file the forfeiture as a miscellaneous (MI) action in the Circuit Court where the criminal case would have been filed had it been filed in Circuit Court.