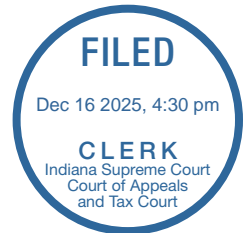


In the Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-351



Order Approving Amended Local Rules

The Judges of the Scott Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Administrative Rule 1(E) and for special judge assignments in accordance with Administrative Rule 21 and Trial Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Scott Circuit and Superior Courts, this Court finds that the proposed amendments to LR72-AR01-1 and LR72-AR01-4 comply with the requirements of Administrative Rule 1(E) and Administrative Rule 21, and the amendments to LR72-TR79-12 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR72-AR01-1, LR72-AR01-4, and LR72-TR79-12, for the Scott Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2026.

Done at Indianapolis, Indiana, on 12/16/2025.

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

Loretta H. Rush
Chief Justice of Indiana

LOCAL RULE NO. LR72-AR01-1
ASSIGNMENT OF CRIMINAL CASES
AND SPECIAL JUDGE ASSIGNMENT

The Courts of Scott County, Indiana, adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

A. All criminal cases (MR, F1, F2, F3, F4, F5, F6, CM) shall be filed in Circuit Court regardless of the level of felony or misdemeanor except as set forth in Paragraph C of this rule.

B. All other criminal cases or proceedings, including infractions (IF), miscellaneous criminal (MC), expungements (XP), post-conviction relief (PC), and Red Flag (RF) (criminal), shall be filed in Circuit Court.

C. When there is a recusal by the sitting Judge, or when a motion for change of Judge has been granted, then, pursuant to Rule 21 of the Indiana Administrative Rules, the case shall be assigned to another full-time Scott County judicial officer on a rotating basis.

D. If a full-time Scott County judicial officer is unavailable to serve as special judge, the case may be assigned to a senior judge who has agreed to serve as a special judge before proceeding to section E.

E. If the case cannot be assigned to a Scott County judicial officer or a senior judge, the Administrative District's Assignment Judge shall assign a judge randomly from the list of full-time judges of the following Courts, consisting of Courts in contiguous counties and Courts within the Administrative District:

1. Jennings Circuit Court
2. Jefferson Circuit Court
3. Jefferson Superior Court
4. Jefferson Circuit and Superior Courts Magistrate
5. Washington Circuit Court
6. Washington Superior Court
7. Jackson Superior Court 1
8. Jennings Superior Court
9. Jackson Superior Court 2

10. Jackson Circuit Court
11. Clark Circuit Court 1
12. Clark Circuit Court 2
13. Clark Circuit Court 3
14. Clark Circuit Court 4
15. Clark Circuit Court 5
16. Clark Circuit Court 6
17. Clark Circuit Courts Magistrate #1
18. Clark Circuit Courts Magistrate #2
19. Clark Circuit Courts Magistrate #3
20. Clark Circuit Courts Magistrate #4
21. Floyd Circuit Court
22. Floyd Superior Court 1
23. Floyd Superior Court 2
24. Floyd Superior Court 3
25. Floyd Circuit and Superior Court Magistrate
26. Senior Judges who agree to serve as Special Judge

LOCAL RULE NO. LR72-AR01-4
ALLOCATION OF JUDICIAL RESOURCES

A. Not later than May 15 of each year, all regular Judges of the Scott Circuit and Superior Court shall meet, in person, telephonically, or other means, and shall evaluate each Court's caseload data, as reported to the Office of Judicial Administration.

B. The caseload evaluation shall factor in any special circumstances, such as death penalty cases and service on judicial or county boards, committees, district judicial leadership positions, and local administration.

C. Service as transfer judge or special judge. Time spent doing special or transfer judge service by each Judge outside his or her court and special judge service or transfer judge service in each Court shall also be included.

D. Based upon the foregoing caseload evaluation for each court within the county, the designated Judge shall develop and maintain a roster reflecting the weighted caseloads of each court and the judicial officer need or surplus in each court. Any plan for adjustment of caseload should then compare that need or surplus to the utilization range established in Administrative Rule 1(E).

E. Should the above said evaluation indicate that the weighted caseloads of any Court are not within the county range, the Judges shall adopt a plan whereby (a) case type filings are shifted, or (b) causes are transferred between courts pursuant to I.C. 33-29-1-9, (c) Judges sit as Judge of the other court pursuant to I.C. 33-29-1-10, as to bring all courts within the range.

F. Civil Cases: All Civil Plenary, Mortgage Foreclosure, Civil Collection, Civil Tort, Eviction, and Miscellaneous cases (PL, MF, CC, CT, EV, and MI) shall be filed in Superior Court, except as provided by statute or as otherwise indicated below. Other civil proceedings as identified by Rule 8 of the Indiana Administrative Rules shall be filed as follows:

G. Any action involving a land contract as defined in I.C. 24-4.4-1-301(36) shall be filed as a civil action and not as a small claims case.

H. Proceedings for an order of protection (PO) under I.C. 34-26-2-1 et. seq. shall be filed in Scott Superior Court, with the exception that the protective order proceeding shall be filed in Scott Circuit Court if there is a pending dissolution (DR) or paternity (JP) case filed there or if the Petitioner or Respondent is a juvenile. The Clerk of Courts shall inquire of a petitioner if such dissolution or paternity case is pending in this county or any other county before assigning the case to a court. Prior to referring a petitioner in a protective order proceeding to the appropriate court, the Clerk of Courts shall review the petition as to the completion of that petition to ensure that the petition contains all appropriate and available information.

The following juvenile and domestic relations cases shall be assigned by the Clerk to a special judge:

1. Paternity (JP) and Reciprocal (RS) cases filed before January 1, 2017.
2. Domestic Relations (DR) cases filed in Scott Circuit Court before January 1, 2017, for which there was representation by the Title IV-D Office of the Scott County Prosecuting Attorney's Office between January 1, 2005, and December 31, 2016.

3. Domestic Relations cases (DR, DN, or DC) filed in Scott Superior Court for which there is or was representation by the Title IV-D Office of the Scott County Prosecuting Attorney's Office on or after January 1, 2017.

LR72-TR79-12

APPOINTMENT OF SPECIAL JUDGES

A. Selection of Assignment Judge. On or before October 1st of each year, the Judges of the Circuit and Superior Courts of Scott County shall meet with the presiding judges of Administrative District 23 for the purpose of selecting a judge designated as the assignment judge who shall serve the Administrative District for a period of twelve (12) months.

B. Section H Appointments. In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before the case is pending shall send notice of the need of the appointment of a special judge to the Administrative District's assignment judge who shall then make such assignment within five (5) days of receiving said notice.

C. When there is a recusal by the sitting Judge, or when a motion for change of Judge has been granted, the case shall be assigned to another full-time Scott County judicial officer on a rotating basis.

D. Method of Assignment. If the case cannot be assigned to a Scott County judicial officer, the Administrative District's assignment judge shall select a special judge from a roster of the full-time judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the judge following the last judge so assigned. If, however, a judge is otherwise disqualified to hear a particular case, that judge shall be deemed to be the next in sequence until assigned a case. The assignment judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.

E. Roster of Full-Time Judges. The roster of available judges in Administrative District 23 shall be maintained by Court designation in the following sequential order.

1. Clark Circuit #1
2. Clark Circuit #2
3. Clark Circuit #3
4. Clark Circuit #4
5. Clark Circuit #5
6. Clark Circuit #6
7. Clark Circuit Courts Magistrate #1
8. Clark Circuit Courts Magistrate #2
9. Clark Circuit Courts Magistrate #3
10. Clark Circuit Courts Magistrate #4
11. Floyd Circuit
12. Floyd Superior #1
13. Floyd Superior #2
14. Floyd Superior #3
15. Floyd Circuit and Superior Courts Magistrate
16. Senior Judges who agree to serve as Special Judge

F. Appointment Order. Upon selecting a special judge, the assignment judge shall prepare an Order of Appointment and forward said Order to the judge before whom the case is pending and enter an Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

G. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath, or additional evidence of acceptance shall be required.

H. Form of Order. The Order of Appointment shall be in the following form:
IN THE _____ COURT FOR _____ COUNTY
STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedures, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED AND ASSIGNED THIS _____ DAY OF _____, _____ BY THE ASSIGNMENT JUDGE FOR THE 23RD JUDICIAL DISTRICT.

Assignment Judge

I. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the assignment judge of the need for an appointment of a special judge under this local rule.

J. Certification to the Supreme Court. If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the assignment judge shall notify the judge before whom the case is pending, who shall then certify such fact to the Indiana Supreme Court for the appointment of a special judge.

If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrant selection of a special judge by the Indiana Supreme Court, said judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstances, this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special judge.