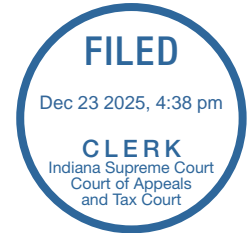


In the
Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-362



Order Approving Amended Local Rules

The Judges of the Clark Circuit 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 Trial Rule 79 and Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Clark Circuit Courts, this Court finds that the proposed amendments to LR10-AR00-5 comply with Administrative Rule 1(E), the amendments to LR10-AR00-15 comply with Trial Rule 79, and the amendments to LR10-AR00-16 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR10-AR00-5, LR10-AR00-15, and LR10-AR00-16, for the Clark Circuit Courts, set forth as attachments to this Order, are approved effective January 1, 2026.

Done at Indianapolis, Indiana, on 12/23/2025.

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

Loretta H. Rush
Chief Justice of Indiana

RULE 5
[LR10-AR00-5]
ALLOCATION OF CASES

A. Applicability. This rule shall apply to all felony and misdemeanor cases filed in the Circuit Courts in Clark County, Indiana, and in the Clarksville Town Court.

B. Major Felony and Firearm Seizure/Retention Cases. Except as otherwise specifically provided for, all cases which include Murder, Class A, Class B, Class C, Level 1, Level 2, Level 3, Level 4, or Level 5 Felony offenses as the most serious charged offense, shall be assigned as follows:

1. Cases alleging the most serious offense was committed during the months of February, April, June, August, October, or December shall be assigned to the Judge of Circuit Court No. 1.

2. Cases alleging the most serious offense was committed during the months of January, March, May, July, September, or November shall be assigned to the Judge of Circuit Court No. 4.

3. Cases involving the seizure and retention of a firearm under I.C. 35-47-14 et. seq. shall be filed as outlined in paragraph B.1 or B.2 as determined by the month in which the firearm was seized.

Cases with co-defendants shall be filed in the same court.

C. Class D Felony and Level 6 Felony Cases and Misdemeanors. Except as otherwise specifically provided, all cases having a Class D Felony or Level 6 as the most serious charge shall be assigned to the Judge of Circuit Court No. 3. Misdemeanor offenses occurring in Clarksville shall be assigned to the Judge of Clarksville Town Court; all other misdemeanor offenses, except as noted in paragraph D below, shall be assigned to the Judge of Circuit Court No. 5.

D. Traffic-Related Cases. All misdemeanor and felony cases which include a charge relating to traffic or motor vehicles under Title 9, Article 30, Chapter 5 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Circuit Court No. 3, with the exception noted below in F when a charge of Neglect of a Dependent is also filed. Traffic infraction (IF) and ordinance violation (OV) cases shall be assigned to the Judge of Circuit Court No. 5.

E. Controlled Substances and Civil Forfeiture Cases.

1. Except as otherwise specifically provided for, all Class A, Class B, Class C, Class D, Level 1, Level 2, Level 3, Level 4, Level 5 and Level 6 Felony cases which include a charge related to Controlled Substances under Indiana Code 35-48 or Legend Drugs under Indiana Code 16-42 shall be assigned to the Judge of Circuit Court No. 2.

2. Cases subject to paragraph E.1 above as a Class A, Class B, Class C, Level 1, Level 2, Level 3, Level 4, or Level 5 Felony which also includes a charge relating to traffic or motor vehicles under Title 9, Article 30, Chapter 5 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Circuit Court No. 2. Cases subject to paragraph E.1 above as a Class D, or Level 6 Felony which also include a charge relating to traffic or motor vehicles under Title 9, Article 30, Chapter 5 of the Indiana Code or Indiana Code 35-42-1 (Homicide) shall be assigned to the Judge of Circuit Court No. 3.

3. Cases subject to paragraph E.1 above which also include a Level 4 or Level 5 Felony offense under I.C. 35-47-4 et. seq., I.C. 35-47-2-1.5, or I.C. 35-43-4-2(a)(3) shall be assigned to the Judge of Circuit Court No. 2. Cases subject to paragraph E.1 above which also include a charge of murder, Class A, Class B, Class C, Level 1, Level 2, Level 3, Level 4, or Level 5 Felony offense shall be assigned to the Judge of Circuit Court No. 1 or No. 4 as outlined in paragraph B above.

4. Cases involving civil forfeiture under I.C. 34-24-1 et. seq. and/or I.C. 34-24-2 et. seq. shall be assigned to the Judge of Circuit Court No. 2.

F. Juvenile Criminal Cases. All cases that include a misdemeanor or felony charge against a defendant alleged to be under the age of eighteen (18) at the time of the commission of the offense shall be assigned to the Judge of Circuit Court No. 4.

All cases which include a charge of Neglect of a Dependent or Contributing to the Delinquency under Indiana Code 35-46-1-8 or Violation of Compulsory School Attendance under Indiana Code 20-8.1-3 shall be assigned to the Judge of Circuit Court No. 4.

All cases that include OWI with a child in the vehicle and Domestic Battery in the presence of a child shall be assigned to the Judge of Circuit Court No. 4.

G. Attempt, Conspiracy, and Aiding Cases. For purposes of this Rule, when a case includes a charge of Attempt under Indiana Code 35-41-5-1, Conspiracy under Indiana Code 35-41-5-1, or Aiding under Indiana Code 35-41-2-4, proper assignment of the case shall be determined by reference to the substantive offense underlying each charge.

H. Re-filing of Dismissed Cases. 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.

I. Juvenile Paternity Cases. Juvenile Paternity cases shall be assigned to the Judge of Circuit Court No. 4.

J. Other Juvenile Cases. All Juvenile CHINS cases, Juvenile Delinquency, Juvenile Status cases, Juvenile Termination of Parental Rights cases, and Juvenile Miscellaneous cases shall be assigned to the Judge of Circuit Court No. 4.

K. Mortgage Foreclosure and Civil Collection Cases. Mortgage Foreclosure cases shall be assigned to the Judge of Superior Court No. 1, and Civil Collection cases shall be assigned on an equal basis to the Judges of Circuit Courts No. 5 and 6.

L. Civil Tort, Civil Plenary, and Commercial Court Eligible Cases. Civil Tort, Civil Plenary, and Commercial Court Eligible cases shall be assigned to the Judge of Superior Court No. 6.

M. Small Claims and Eviction Cases. All Small Claims and Eviction cases shall be assigned on an equal basis to the Judges of Circuit Courts No. 1, 2, and 5.

N. Mental Health Cases. All Mental Health cases shall be assigned to the Judge of Circuit Court No. 1.

O. Domestic Relations Cases. Domestic Relations cases (DC and DN) and Grandparent Visitation (GV) cases shall be assigned on an equal basis to the Judges of Circuit Courts No. 1, 2, and 5.

P. Reciprocal Support and IV-D Child Support Cases. All Reciprocal Support cases and IV-D child support issues shall be assigned to the Judge of Superior Court No. 6. Any issues unrelated to child support shall be referred back to the originating court to hear all pending issues.

Q. Protective Order and Firearm Seizure/Retention (civil) Cases. All Protective Order cases shall be assigned to the Judge of Superior Court No. 6 except as follows, consistent with LR10-FR00-10:

1. If a protection order has been granted in a Protection Order case (PO) and a Petition for Dissolution of Marriage, Legal Separation Petition (DR, DC, or DN), or Juvenile Paternity (JP) case, which involves the same parties, has been subsequently filed, the Protection Order case shall be assigned to the judicial officer presiding over the Dissolution of Marriage, Legal Separation Petition (DR, DC, or DN), or Juvenile Paternity (JP) action.

2. If a protection order is requested subsequent to the filing of a Petition for Dissolution of Marriage, Legal Separation Petition (DR, DC, or DN), or Juvenile Paternity (JP) case, which involves the same parties, the protection order matter shall be filed in a separate Protection Order (PO) action, in the Court have jurisdiction over the Petition for Dissolution of Marriage, Legal Separation Petition (DR, DC, or DN), or Juvenile Paternity (JP) action so that the same judicial officer is presiding over both cases.

- R. Guardianship and Estate Cases.** Guardianship cases involving adults shall be assigned to the Judge of Circuit Court No. 1, and Guardianship cases involving children shall be assigned to the Judge of Circuit Court No. 4. Estate cases (supervised and unsupervised) shall be assigned to the Judge of Circuit Court No. 1.
- S. Trust Cases.** All Trust cases shall be assigned to the Judge of Circuit Court No. 1.
- T. Adoption Cases.** All Adoption Cases shall be assigned to the Judge of the Circuit Court No. 4.
- U. Conservancy Districts.** Conservancy district cases shall be assigned to the Judge of Circuit Court No. 1.
- V. Tax Sale.** Tax sale cases shall be assigned to the Judge of Circuit Court No. 1.
- W. Judicial Review of Administrative Agency Decisions (IC 4-21.5-5).** Judicial Review of Administrative Agency Decisions shall be assigned on an equal basis to the Judges of Circuit Courts No. 1, 2, and 5.
- X. Family Court Exceptions.** This subsection applies to situations of pending CHINS or juvenile delinquency matters in Circuit Court No. 4. Notwithstanding any other provision of this Rule, when a family law case (e.g., dissolution, paternity, guardianship, adoption, reciprocal support) or a modification of an existing family law case involving the same family in the pending CHINS or juvenile delinquency matter is presented to the Clerk for filing, that matter shall be filed in or transferred to Circuit Court No. 4. When a CHINS or juvenile delinquency case is filed in Circuit Court No. 4 after a family law case has been filed in any other court, the judge with jurisdiction over the family law case shall transfer that case to Circuit Court No. 4. The Judge of Circuit Court No. 4 may request a transfer of certain criminal cases where those cases have a direct impact on allocation of parenting time or placement of the child in a pending CHINS or delinquency matter.
- Y. Problem Solving Court Exceptions.** This subsection applies to any problem-solving court operated by the Clark Circuit Courts. When an individual is accepted into the problem-solving court, any case associated with that individual shall be transferred to the court having jurisdiction over the problem-solving court.

Z. Exceptions for Defendant with Pending Cases. When a new criminal case filing involves a defendant who has a pending criminal case, other than a Petition to Revoke Probation, the provisions of this subsection shall apply. If a defendant has a pending case in Circuit Court No. 1 or Circuit Court No. 4 and is charged with a new offense that is not solely (1) a traffic or driving-related offense or (2) a felony drug or controlled substance offense, the new case shall be filed where the current case is pending. If a defendant has a pending case in Circuit Court No. 2, Circuit Court No. 3, or Circuit Court No. 5 that is not (1) a traffic or driving related offense or (2) a felony drug or controlled substance offense, and a new case is filed against that defendant in Circuit Court No. 1 or Circuit Court No. 4, the pending case in Circuit Court No. 2, Circuit Court No. 3, or Superior Court No. 5 shall be transferred to Circuit Court No. 1 or Circuit Court No. 4 upon the filing of the new charge. If there is a pending level 6 felony filed in Circuit Court No. 3 and the defendant is charged with a new misdemeanor offense, that misdemeanor offense shall be filed in Circuit Court No. 3.

AA. Transfer of Cases. Any case that is transferred between courts shall be done so pursuant to I.C. 33-33-10-15 and 33-33-10-15.3. Case numbers shall not be changed except upon the proper transfer of a case pursuant to this rule.

BB. Magistrates. The presiding judges of the Clark Circuit Courts shall assign a magistrate to serve any of the Circuit Courts in a manner that provides greater assistance to the courts with greater caseloads.

CC. Error in Case Assignments. Any error in the assignment of a criminal case shall not constitute grounds for an appeal or post-conviction relief unless actual bias or prejudice of the judge hearing the case is demonstrated.

DD. Clerk Management of Case Assignment Process. The Clerk of the Circuit Courts shall, upon the approval of the Judges of each Circuit Court, implement and manage an appropriate, efficient system for the distribution of cases described in the foregoing subsections as being the object of assignment "on an equal basis."

RULE 15
[LR10-AR00-15]
APPOINTMENT OF SPECIAL JUDGES IN CIVIL CASES

A. Selection of Assignment Judge. On or before October 1st of each year, the Judges of the Circuit Courts of Clark 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 whom 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. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District. The assignments shall be in 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.

D. Roster of Available Judges. The roster of available judges in Administrative District 23 shall be maintained by Court designation in the following sequential order and shall include senior judges as available.

- (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 Magistrate A
- (8) Clark Magistrate B
- (9) Clark Magistrate C
- (10) Clark Magistrate D

- (11) Floyd Circuit
- (12) Floyd Superior #1
- (13) Floyd Superior #2
- (14) Floyd Superior #3
- (15) Floyd Magistrate
- (16) Scott Circuit
- (17) Scott Superior
- (18) Scott Magistrate
- (19) Senior Judges who agree to serve as Special Judge

E. 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.

F. 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.

G. 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.

H. 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) or (H) 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.

I. 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.

RULE 16
[LR10-AR00-16]
APPOINTMENT OF SPECIAL JUDGES IN
CRIMINAL CASES

A. Pursuant to Ind. Admin. Rule 1(E)(6) and Ind. Admin. Rule 21, this rule shall apply to the reassignment of the case and the selection of special judges in felony and misdemeanor cases where a change of judge is granted pursuant to Ind. Crim. Rule 2.4 or an order of disqualification or recusal is entered in the case.

The reassignment procedure set forth in this rule shall also apply where a change of judge is granted pursuant to Ind. Post-Conviction Remedy Rule 1(4)(b) and in proceedings to enforce a statute defining an infraction and ordinance violation case where a change of judge is granted for case pursuant to Crim. Rule 2.4.

B. Method of Assignment. The Administrative District's assignment judge shall select special judges from a roster of the available judges in the Administrative District, other contiguous counties, or senior judges. The assignments shall be in 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.

C. A special judge in a criminal case shall be selected, by the assignment judge, from the list of judges below on a rotating basis, which includes all judges from Administrative District 23, judges in other contiguous counties and senior judges:

- (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 Magistrate A
- (8) Clark Magistrate B
- (9) Clark Magistrate C
- (10) Clark Magistrate D
- (11) Floyd Circuit
- (12) Floyd Superior #1
- (13) Floyd Superior #2
- (14) Floyd Superior #3
- (15) Floyd Magistrate
- (16) Scott Circuit
- (17) Scott Superior
- (18) Scott Magistrate
- (19) Jefferson Circuit
- (20) Jefferson Superior
- (21) Jefferson Magistrate
- (22) Washington Circuit
- (23) Washington Superior
- (24) Senior Judges who agree to serve as Special Judge

D. 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.

E. 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.

F. 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 Rule 21 of the Indiana Administrative Rules, 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

G. Implementation of Rule. In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of Rule 21 of the Indiana Rules of Administrative Rules, 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.

H. 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 warrants 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.