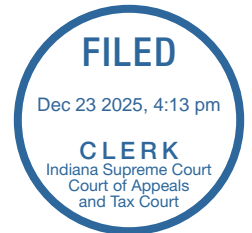


# In the Indiana Supreme Court

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

Supreme Court Case No.  
25S-MS-366



## Order Approving Amended Local Rules

The Judges of the Boone 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 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 Boone Circuit and Superior Courts, this Court finds that the amendments to LR06-CR00-BLR-3 and LR06-AR01-BLR-12 comply with Administrative Rule 1(E) and Administrative Rule 21, and the amendments to LR06-TR79-BLR-10 comply with Trial Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR06-CR00-BLR-3, LR06-AR01-BLR-12, and LR06-TR79-BLR-10, for the Boone Circuit and Superior 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 that reads "Loretta H. Rush". The signature is written in a cursive style with a horizontal line underneath it.

Loretta H. Rush  
Chief Justice of Indiana

**LR06-CR00-BLR-3**  
**NON-DISCRETIONARY FILING OF CRIMINAL CASES**

**NON-DISCRETIONARY FILING OF CRIMINAL CASES**

Effective January 1, 2021, (or as soon thereafter as the Indiana Supreme Court may approve if later), all criminal cases, when filed, shall be assigned by the Clerk to the Circuit, Superior I, or Superior II Courts of the Judicial Circuit as follows:

**Misdemeanors** (cases in which only misdemeanors are charged)

- A. Cases in which the only misdemeanor charged is Operator Never Licensed, I.C. 9-24-18-1, shall be assigned to Circuit Court.
- B. Cases in which the only misdemeanor charged is Driving While Suspended, I.C. 9-24-19-2 or 9-24-19-3, shall be assigned to Circuit Court.
- C. Cases in which the only misdemeanors charged are Driving While Suspended, I.C. 9-24-19-(2-3) and Operator Never Licensed, I.C. 9-24-18-1, shall be assigned to Circuit Court.
- D. All other I.C. 9 *et. seq.* (Title IX traffic) misdemeanor cases (including any other Driving While Suspended charge besides I.C. 9-24-19-2 or 9-24-19-3 and any case where a Driving While Suspended charge is accompanied with other misdemeanor charges (except for Operating Never Licensed) shall be assigned to Superior Court II.
- E. All cases charging misdemeanors under I.C. 35-48-4, 35-42-2-1, 35-43-5, and Title VII crimes, alone or in conjunction with other misdemeanor offenses, shall be assigned to Superior Court II.
- F. All other misdemeanor cases, not covered by A-D, shall be assigned to Circuit Court.
- G. All cases where a specialized driving permit is sought under I.C. 9-30-16-4, whether administrative suspension or otherwise, shall be assigned to Superior Court II.
- H. All Warrantless Seizure of a Firearm(s) by a Law Enforcement Officer cases, also known as “Red Flag” or “Jake Laird law” cases (“RF”) under I.C. 35-47-14, shall be assigned to Superior Court I.

**Felonies:**

- I. All cases in which one or more felony counts are charged under I.C. 35-36-1-3, 35-36-1-4, or 35-36-1-5 (incest, neglect of a dependent, and criminal nonsupport of a child) shall be assigned to Circuit Court.
- J. All cases in which the only felony count charged is Driving While Suspended under I.C. 9-24-2-4 shall be assigned to Superior Court I.
- K. All felony cases, not covered by paragraph F or G, in which the only felony charged is a charge under I.C. 9 *et. seq.* (a Title IX Traffic offense) shall be assigned to Superior Court II.

L. All felony and misdemeanor operating while intoxicated cases shall be assigned to Superior Court II, no matter what other felony charges may be filed therewith.

M. All level 6 felony cases not assigned pursuant to paragraphs H through K shall be assigned 50% to Circuit Court and 50% to Superior Court II by random draw. All level 5 and higher felony cases not assigned pursuant to paragraphs H through K shall be assigned 30% to Circuit Court, 50% to Superior Court I, and 20% to Superior Court II by random draw.

N. If a case charges both a non-traffic code felony and a misdemeanor, other than an alcohol related misdemeanor, the case shall be considered a felony and assigned pursuant to paragraph J above.

O. The rotation of cases under Paragraph L shall be accomplished by drawing numbered balls in proportion to the division of the cases. The balls (those selected and those yet to be selected) shall be securely maintained by the Clerk of the Court. Each time a felony case is assigned, pursuant to paragraph L, the Clerk shall draw a ball and assign the case to the Court designated on that ball. The ball drawn shall be held by the Clerk with the other balls that have been drawn until all balls have been drawn. At that point, all balls shall be returned to the receptacle from which they are drawn, and the process shall begin anew. The Clerk shall maintain a log of the balls drawn and the case assignments made. A "selection sheet" shall be placed in each file assigned, pursuant to paragraph L, noting the person who made the draw and the Court to which the case was assigned.

P. If, after assignment, a case is dismissed and later re-filed, it shall be assigned to the Court of original assignment. The purpose of this rule is to comply with Indiana Administrative Rule 21, so as to provide a procedure for non-discretionary assignment of criminal cases.

Q. In cases assigned, pursuant to paragraph L above, where a charge or charges are filed against one or more than one defendant and such charge or charges arise out of the same factual allegations or same criminal episode, such cases shall be assigned, upon the request of the prosecutor, to the same Court in which the first such case was assigned, pursuant to paragraph J. In such an event, the subsequent case or cases shall be assigned to the same court as the first one, and another ball shall be removed from the draw for the court to which the subsequent case was assigned.

R. Notwithstanding any of the foregoing, the Judges of Boone County may agree to transfer any criminal case between or among themselves upon good cause shown by the prosecutor or counsel for the Defendant, or upon their own motion, when in the interests of judicial economy or the interests of justice so require.

S. Excepting driving offenses under I.C. 9-30-5, upon a motion from the State of Indiana or the Defendant, a court shall transfer a felony case to another court where an earlier filed felony of the same level pends or where a higher-level felony pends, regardless of the order of filing. The nonmoving party may file a written objection setting forth the basis of the same on or before the twentieth day from the initial hearing or other date as the court may allow, and the court shall consider the objection and sustain or overrule it as may be warranted. The court may set a hearing if necessary on any objection to a motion to transfer.

T. Pursuant to Administrative Rules 1(E)(6) and 21, the Circuit and Superior Courts of Boone County, in conjunction with the other Judges of Administrative District 12, i.e., Hamilton County, Clinton County, and Tipton County, have adopted the following rule to establish procedures for the selection of special judges in criminal cases.

1. Upon the granting of a change of judge or the disqualification or recusal of a judge, a successor judge shall be assigned in the same manner as the initial judge. Where this process does not result in the selection of a successor judge, selection shall be made from an alternative assignment list of full-time judicial officers from counties within the administrative district of the court as set forth above. Except for those serving pursuant to Criminal Rule 2.4(E)(6), judges previously assigned to the case are ineligible for reassignment. A person appointed to serve as a special judge under this subsection must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under this Rule, or excused from service by the Indiana Supreme Court.

2. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under T.1 and shall be contacted by the selecting court each time a judge must be selected from the list. The Administrator of Courts shall provide the name of the next judge on the list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all the other judges have been selected from that list, except as required to avoid certification to the Indiana Supreme Court.

3. A trial court may request the Indiana Supreme Court to appoint a special judge in the following circumstances:

(a) No judge under the local rule is available for appointment: or

(b) The particular circumstance warrants the selection of a special judge by the Indiana Supreme Court.

4. A judge assigned under the provision of this rule shall accept jurisdiction unless disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court. The reassignment of a case or assignment of a special judge shall be entered in the Chronological Case Summary of the case. An oath or special order accepting jurisdiction is not required.

5. In the event the case has been reassigned, or a special judge assumes jurisdiction and thereafter ceases to act for any reason, further reassignment or the selection of a successor special judge shall be in the same manner as set forth in subsection T.1 above.

U. This rule shall not, under any circumstances, limit or otherwise alter the option of the full-time sitting Judge to request the Indiana Supreme Court appoint a Special Judge in accordance with Administrative Rule 21.

**LR06-TR79-BLR-10**  
**COORDINATED LOCAL RULE ON**  
**SELECTION OF SPECIAL JUDGE IN CIVIL CASES**

**209.10** Pursuant to Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Circuit and Superior Courts of Boone County, in conjunction with the other Courts of Administrative District 12 (Clinton County, Hamilton County, and Tipton County), have adopted the following rule to establish procedures for the selection of special judges in civil cases:

**209.20** Within seven (7) days of the notation in the Chronological Case Summary of an order granting a change of judge or an order of disqualification, the parties pursuant to Trial Rule 79(D) may agree to any judge eligible under Trial Rule 79 (J).

**209.30** If a special judge is required to be selected under Trial Rule 79(H) then the special judge shall be selected as follows:

**209.30.10** If the case was originally filed in a court of record in Hamilton County, then the judge will be selected randomly from among the full-time judicial officers of Hamilton County subject to all existing local rules regarding case allocation and transfer.

**209.30.20** If the case was originally filed in a court of record in Boone, Clinton or Tipton County, then the judge will be selected on a rotating basis from among the full-time judges of those counties subject to all local rules in each individual county regarding case allocation and transfer.

**209.30.30** If for any reason a judge cannot be selected by the above methods then the special judge shall be selected on a rotating basis from among all the full-time judges of the District not already disqualified.

**209.40** A special judge selected under **209.30** must accept jurisdiction unless disqualified pursuant to *The Code of Judicial Conduct* or excused from service by the Indiana Supreme Court. The Administrator of Courts for Hamilton County shall maintain a list of the judges eligible for selection under 209.30.20 and a list of the judges eligible for selection under 209.30.30 and shall be contacted by the selecting court each time a judge must be selected from one of those lists. The Administrator of Courts shall provide the name of the next judge on the appropriate list upon a request from the selecting court and then strike the name of the judge selected from that list. The judge selected in this manner shall not be eligible to be selected again from the same list until all other judges have been selected from that list except as required to avoid certification to the Supreme Court.

**209.50** In the event that no judicial officer within Administrative District 12 is eligible to serve as special judge or the particular circumstance of the case warrants 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 for appointment of a special judge.

**LR06-AR01-BLR-12**  
**BOONE COUNTY'S CASE LOAD PLAN**

We, the undersigned Judges of Boone County, in compliance with Indiana Administrative Rule 1(E), hereby adopt the "Boone County's Case Load Plan."

**WHEREAS**, Indiana Administrative Rule 1(E) requires the Judges of Boone County to implement a caseload allocation plan for the county that ensures an even distribution of judicial workload among the courts of record in the county; and

**WHEREAS**, the Courts of Boone County, pursuant to Legislative direction and the evolution of time, have acquired certain subject matter expertise that the Judges of Boone County believe should not be altered, but instead should be preserved and enhanced upon, i.e., Circuit Court has exclusive jurisdiction over all juvenile matters, including, but not limited to, Status Offenses, Delinquent Offenses, CHINS proceedings, Family Recovery Court proceedings and Paternity matters; all other case types listed in Administrative Rule 8 not specifically designated shall be assigned to Circuit Court.

Superior I has exclusive jurisdiction over all Estates, Guardianships, Probate matters, and Adoptions; and Red Flag ("RF") cases: warrantless seizure of a firearm from an individual believed to be dangerous (for affidavits filed under I.C. 35-47-14-3 Indiana's "red flag" law).

Superior II has exclusive jurisdiction over all Small Claims (including EV-- Petition for Eviction) and certain Alcohol and Drug Offenses;

**WHEREAS**, the Judges of Boone County have met and discussed Indiana Administrative Rule 1(E) and have established the following plan for allocation of judicial resources within Boone County, which maintains the integrity of the courts in Boone County:

**IT IS THEREFORE ORDERED** by the Judges of Boone County that for calendar year 2009 and beyond, within 60 days of the Supreme Court's issuance of the previous year's Weighted Caseload Report, as reported by the Indiana Office of Judicial Administration (IOJA), the report will be reviewed by the Judges to determine whether Boone County's caseload complies with Indiana Administrative Rule 1(E).

To the extent that the difference in utilization of any two (2) Courts of Record exceeds 0.40 percentage points, then the Judges of Boone County agree to alter or modify the distribution of cases in the County to bring each Court within the range of 0.40 percentage points by amending our local rules as to the non-discretionary filing of certain cases. If all the courts of record are within 0.40 percentage points, then no action will be taken.

The Judges of Boone County have determined that this method can be implemented with very little administrative effort and that it will have a minimal effect on the Prosecuting Attorney's office and a negligible effect on the Local Bar Association. The statistics for the previous year's criminal filings are readily available, and the necessary adjustments can be made expediently and modifications made to non-discretionary filing local rules can be easily distributed to the Clerk's Office and the Prosecutor's Office.

Consistent with the schedule to be set and monitored by the IOJA, the Boone County Judges will review weighted caseload statistics and submit a new caseload allocation plan or resubmit an existing plan every two (2) years. In addition, amended local rules on non-discretionary filings will be implemented by Boone County Judges when applicable. Moreover, the Judges of Boone County have

agreed to review this Rule every two years to determine whether other adjustments should be made in the distribution of cases.