

In the
Indiana Supreme Court

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

Supreme Court Case No.
26S-MS-117



Order Approving Amended Local Rule

The Judges of the Vanderburgh Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendments requested by the Vanderburgh Circuit and Superior Courts, this Court finds that the proposed amendments to LR82-AR1-1 comply with the requirements of Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR82-AR1-1, for the Vanderburgh Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective January 1, 2027.

Done at Indianapolis, Indiana, on 9/18/2026.

A handwritten signature in black ink that reads "Loretta H. Rush". The signature is written in a cursive style with a horizontal line underneath.

Loretta H. Rush
Chief Justice of Indiana

LR82-AR1-1
LOCAL CASELOAD ALLOCATION PLAN
Transfer, Refiling, and Reassignment

SECTION ONE. LOCAL CASELOAD ALLOCATION PLAN

In order to meet the statistical requirements mandated by the Indiana Supreme Court, and except as otherwise provided below, original case filings shall be made into the following Courts as listed below effective January 1, 2027:

I. Criminal, Expungement, and Red Flag Cases

(A) Felony Criminal Cases. **(MR & F*)**

All MR, FA, FB, FC, FD, F1, F2, F3, F4, F5, and F6 cases, except those assigned to Vanderburgh Superior Court Division II under the exception below, shall be assigned to the Vanderburgh Circuit Court and Vanderburgh Superior Court Division III as follows: two (2) cases to the Vanderburgh Circuit Court for each one (1) case assigned to Vanderburgh Superior Court Division III.

EXCEPTION – Alcohol or Controlled-Substance Lower-Level Felony Cases.

(FD & F6 drug cases): All cases in which the highest crime charged is a Class D felony or Level 6 felony, and at least one charge filed is an alcohol or controlled-substance offense, shall be assigned to Vanderburgh Superior Court Division II.

(B) Misdemeanor and Infraction Cases. **(CM & IF)**

All CM and IF cases shall be divided equally by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII. Misdemeanor jury trials shall be assigned for trial equally by alternating assignment between Vanderburgh Superior Court Division II and Vanderburgh Superior Court Division III.

(C) Miscellaneous Criminal Cases. **(MC)**

MC cases shall be assigned to the Court in which a related criminal case is pending.

If no related criminal case is pending, MC cases involving felony-level matters, search warrants, investigatory subpoenas, probable-cause determinations, grand jury matters, extradition or fugitive complaints, special prosecutor petitions, or other miscellaneous criminal matters shall be assigned to the Vanderburgh Circuit Court and Vanderburgh Superior Court Division III as follows: two (2) cases to the Vanderburgh Circuit Court for each one (1) case assigned to Vanderburgh Superior Court Division III, unless otherwise ordered or stated herein.

MC matters involving misdemeanor-level proceedings shall be assigned in the same manner as CM cases.

EXCEPTION – BMV Fees: MC cases related to BMV reinstatement-fee waivers shall be divided equally by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division II, Vanderburgh Superior Court Division III, Vanderburgh Superior

Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

Probation Transfers: MC cases related to interstate and/or intrastate transfers of probation cases shall be assigned to the Vanderburgh Circuit Court.

(D) Expungement Cases. **(XP)**

XP cases shall be assigned to Vanderburgh Superior Court Division I.

(E) Red Flag Cases. **(RF)**

All RF cases shall be assigned to the Court in which a related criminal case involving the same respondent is pending. If more than one related criminal case is pending, the RF case shall be assigned to the Court with the highest-level pending criminal offense.

If no related criminal case is pending, RF cases shall be divided equally by alternating assignment between the Vanderburgh Circuit Court and Vanderburgh Superior Court Division III.

II. Civil Cases **(PL, MF, CC, CT, CP, TS, TP, DC, DN, DR, JP, GV, RS, SC, OV, OE, EV, & MH)**

(F) Non-Family Civil Cases. **(PL, MF, CC, CT, CP, TS, & TP)**

PL, MF, CC, CT, CP, TS, and TP cases may be filed in either Vanderburgh Circuit Court or Vanderburgh Superior Court. The initiating party may designate the requested Court at the time of filing. Cases specifically designated for Vanderburgh Circuit Court shall be assigned to the Vanderburgh Circuit Court. Cases specifically designated for Vanderburgh Superior Court shall be divided equally by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

If no Court is specifically designated at the time of filing, the Clerk shall assign the case by blind lot so that such undesignated filings are divided equally between the Vanderburgh Circuit Court and the Vanderburgh Superior Court. Cases assigned to the Vanderburgh Superior Court under this paragraph shall then be divided equally by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

(G) Domestic Relations, Family-Related, Small Claims, Ordinance, and Mental Health Cases. **(DC, DN, DR, JP, GV, RS, SC, OV, OE, EV, & MH)**

All DC, DN, DR, JP, GV, RS, SC, OV, OE, EV, and MH cases shall be divided equally by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

(H) Miscellaneous Cases. **(MI)**

All MI cases, except for "Name Change" and "Specialized Driving Privilege" cases, shall be divided equally by blind lot among the Vanderburgh Circuit Court, Vanderburgh Superior Court

Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

The MI case type cannot be used for matters covered by an existing case type.

EXCEPTIONS – SDPs & Name Changes.

SDPs: MI Petitions for Specialized Driving Privileges shall be filed in the Court that ordered the suspension. When the petition relates to a Court-ordered suspension, the caption shall include the cause number of the case in which the suspension was ordered.

If the license suspension was imposed only by the Bureau of Motor Vehicles, the petition shall be filed in the Vanderburgh Circuit Court. If the license suspension was imposed by both the Bureau of Motor Vehicles and by Court order, the petition shall be filed in the Court that ordered the suspension.

Name Changes: All MI Petitions for Name Change shall be filed in Vanderburgh Circuit Court.

(I) Protective Order Cases. (PO)

All PO cases shall be divided equally by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division II, Vanderburgh Superior Court Division III, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

(J) Review of Administrative Agency Decisions and Court Business Cases. (RA & CB)

RA and CB cases shall be divided equally by alternate assignment between the Vanderburgh Circuit Court and the Vanderburgh Superior Court division presided over by the Vanderburgh Superior Court Chief Judge.

(K) Post-Conviction Cases. (PC)

PC cases shall be assigned to the Court in which the conviction or sentence challenged was entered, except that a petition challenging the revocation of parole shall be filed and assigned as required by Indiana Post-Conviction Rule 1.

(L) Commercial Court. (CE)

CE cases shall be assigned in accordance with the Indiana Commercial Court Rules. If a CE case is not assigned to, or is removed from, the Commercial Court Docket, the case shall be assigned in accordance with the applicable non-family civil case allocation under this rule.

III. Juvenile and Probate Cases. (JS, JT, JM, AD, AH, ES, EU, GU, TR, JC, JD, EM, GM, & JQ)

(M) Juvenile and Probate Cases.

All JS, JT, JM, AD, AH, ES, EU, GU, TR, JC, JD, EM, GM, and JQ cases shall be assigned to Vanderburgh Superior Court Division IV.

(N) Juvenile Concurrent-Jurisdiction Adult Cases.

All cases over which the juvenile court has concurrent original jurisdiction involving adults charged with contributing to delinquency or adults charged with violating the

compulsory school attendance law shall be assigned to Vanderburgh Superior Court Division IV.

SECTION TWO. TRANSFER, REFILING AND SUBSEQUENT FILINGS, AND REASSIGNMENT

(i) Transfer by Agreement.

By agreement, the Vanderburgh Circuit Court and the Vanderburgh Superior Court may order the transfer and reassignment of any felony case pending in those Courts, subject to acceptance by the judge of the receiving Court. Transfers may be ordered to promote judicial economy, avoid duplication, provide consolidated legal defense for defendants facing multiple criminal charges, equalize caseloads, or satisfy the requirements of this rule.

(ii) Pending Superior Court Case Before Circuit Court Filing.

If a defendant has a pending felony criminal case in the Vanderburgh Superior Court before the filing of a criminal case in Vanderburgh Circuit Court, the Circuit Court case shall be transferred to the Vanderburgh Superior Court, unless the affected judges agree that efficient case disposition, judicial economy, or the interests of justice require otherwise. A related felony transfer to Vanderburgh Superior Court shall be assigned to the Superior Court division authorized by Section One for that case type, unless the affected judges approve a different assignment by written order.

(iii) Pending Circuit Court Case Before Superior Court Filing.

If a defendant has a pending felony criminal case in the Vanderburgh Circuit Court before the filing of a criminal case in Vanderburgh Superior Court, the Superior Court case shall be transferred to the Vanderburgh Circuit Court, unless the affected judges agree that efficient case disposition, judicial economy, or the interests of justice require otherwise.

(iv) Refiling After Dismissal.

When the State of Indiana dismisses a criminal case and chooses to refile the case, the refiled case shall be assigned to the Court from which the dismissal was taken.

(v) Civil Assignment by Blind Lot.

Each civil case subject to blind-lot assignment under this rule shall be assigned in the order presented for filing. The assigned Judge shall have responsibility for all proceedings in that case, including hearings on all motions, arguments, and petitions. All emergency matters shall be heard by the assigned Judge unless the assigned Judge is unable to do so, in which case the assigned Judge may refer the matter to another Judge. If the assigned Judge is unavailable to refer the matter, the emergency matter may be heard by any other Judge in Vanderburgh County.

(vi) Civil Cases Transferred Within Vanderburgh County.

When a case originates in the Small Claims or Probate Division and is transferred to the Civil Division, the Clerk shall assign the case by blind lot among the Vanderburgh Circuit Court, Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

When a case originates in Vanderburgh Superior Court Division IV as a JC, JT, or JM case and is transferred to the Civil Division, the Clerk shall assign the case, and any related cases transferred with it, by blind lot among Vanderburgh Superior Court Division I, Vanderburgh Superior Court Division V, Vanderburgh Superior Court Division VI, and Vanderburgh Superior Court Division VII.

When a JD matter is waived, transferred, or otherwise results in the filing of an adult criminal case, the resulting criminal case shall be assigned in accordance with the criminal case allocation provisions of Section One of this rule, including the alcohol or controlled-substance lower-level felony exception where applicable.

(vii) Civil Cases Transferred From Another County.

All civil cases transferred to Vanderburgh County from another county shall be assigned by the Clerk in the same manner as the assignment of civil cases under this rule.

(viii) General Transfer Authority.

Transfers shall be permitted between Courts when approved by the judge of the transferring Court and the judge of the receiving Court, provided the receiving Court has jurisdiction over the case type or matter to be adjudicated.

(ix) Reassignment and Special Judge Selection.

If a change of judge is granted, or if it otherwise becomes necessary to assign another judge, reassignment shall be made in accordance with the applicable Indiana Rules of Trial Procedure, Indiana Criminal Rules, Administrative Rules, and the Vanderburgh County/District 26 special judge selection rule. If no judge is available for assignment or reassignment, the case shall be certified to the Indiana Supreme Court for appointment of a special judge when required by rule.