

In the
Indiana Supreme Court

Cause No. 19S-MS-41



Order Amending Rules of Trial Procedure

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Trial Rules 5 and 86 are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

...

Rule 5. Service and Filing of Pleading and Other Papers

...

(F) Filing With the Court Defined. The filing of pleadings, motions, and other papers with the court as required by these rules shall be made by one of the following methods:

- (1) Delivery to the clerk of the court;
- (2) Sending by electronic transmission under the procedure adopted pursuant to Administrative Rule 12;
- (3) Mailing to the clerk by registered, certified or express mail return receipt requested;
- (4) Depositing with any third-party commercial carrier for delivery to the clerk within three (3) calendar days, cost prepaid, properly addressed;
- (5) If the court so permits, filing with the judge, in which event the judge shall note thereon the filing date and forthwith transmit them to the office of the clerk; or
- (6) Electronic filing, as approved by the Indiana Office of Judicial Administration (IOJA) pursuant to ~~Administrative Trial Rule 1686~~.

Filing by registered or certified mail and by third-party commercial carrier shall be complete upon mailing or deposit

Any party filing any paper by any method other than personal delivery to the clerk shall retain proof of filing.

...

Rule 86. Electronic filing and electronic service

...

(G) Service of Pleading and Other Papers:

- (1) Except as otherwise provided in this Rule, all process shall be served in accordance with Trial Rules 4 and 4.1 through 4.17.
- (2) *Issuance of Summons and Service of Initial Complaint or Equivalent Pleading.*
 - (a) Except as provided below in (O), ~~A~~at the time the initial complaint or equivalent pleading is filed, the filer shall also file completed summons(es) designating the manner of service. The Clerk shall date, sign and seal the summons(es) and transmit the summons(es) to the filer for service.
 - (b) The filer shall serve the initial complaint or equivalent pleading and the summons upon all parties in the manner provided in Trial Rules 4.1 through 4.14.

...

(P) [RESERVED]

(Q) Protection Order Cases, Workplace Violence Restraining Order Cases, and Child Protection Orders: Issuance of Summons and Service of Petition and Ex Parte Order or Equivalent Proceeding.

- (1) The Protection Order Registry E-Filing Service Provider (POR EFSP) is the only provider for e-filing of all initial complaints or equivalent subsequent pleadings and all subsequent filings for civil protection orders and workplace violence restraining orders (PO case types) and for requests for child protection orders (JQ case types).
- (2) Where service of process is required by Trial Rule 4.1 through 4.16, for any document filed in or issued by the Court in a civil protection order or workplace violence restraining order case (PO case types) and in a child protection order case (JQ case type), that service must be accomplished by the Clerk, a Sheriff, court official, or other person appointed by a Court to complete service of process.

These amendments shall take effect on October 1, 2019.

Done at Indianapolis, Indiana, on 9/26/2019.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.