

In the Indiana Supreme Court

Cause No. 23S-MS-10



Order Amending Administrative Rules

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

...

Rule 5. Payment and ~~Notification Procedures~~Administration of Special Judges and Senior Judges Program

...

(B) Senior Judges. The Indiana Office of Judicial Administration (IOJA) shall administer the ~~senior judge program~~use and the payment of senior judges in accordance with ~~the provisions set forth in~~ this rule.

...

(4) ~~Jurisdiction Procedure.~~ When appointing a senior judge, a~~A~~ ~~presiding judge wishing to use a senior judge~~ shall cause an order to be filed under a court business (CB) case type~~issue an order~~ naming the senior judge who will serve the court, subject to the Code of Judicial Conduct. The order shall specify (a) the duration of day(s) the senior judge is to serve the court and whether the service is limited to the regular business hours of the court or is for the full twenty-four (24) hours or (b) the case assigned to the senior judge and any limits on the assignment's duration. ~~The senior judge shall provide to the presiding judge, and the presiding judge shall attach to the order, a verified written statement from the senior judge that the senior judge does not practice law in the court. The order shall be filed in the Record of Judgments and Orders of the court.~~ A senior judge shall have the same jurisdiction authority as the ~~presiding~~ judge of the court where the senior judge is serving, but only during the time specified in the order naming the senior judge to serve the court and such additional time as required to finalize the assignment. A violation of the Code of Judicial Conduct does not impair the authority or actions of the senior judge. ~~A senior judge who has been certified by the Judicial Nominating Commission shall have authority at any time during the certification to officiate at marriages and administer oaths. A senior judge retains jurisdiction in an individual case on the order of the presiding judge of the court in which the case is pending;~~

...

(11) Performing Marriages and Administering Oaths. A senior judge who has been certified by the Judicial Nominating Commission shall have authority any time during the certification to officiate marriages and administer oaths.

~~(C) Notice of Commencement or Termination of Term in Office and Employment.~~

~~(1) — Notice by Judges.~~ Each elected or appointed circuit, superior, county, probate, city, town or small claims court judge shall give notice to the IOJA of:

~~(a) — the commencement and termination of the judge's term of office;~~

~~(b) — the employment or termination of any magistrate, referee, commissioner, hearing officer, or other appointed judicial officer, whether such judicial officer is paid by the State of Indiana or by another entity. This notice must designate the position as full or part time, state the number of hours per week that the position requires and identify all court(s) in which such appointed judicial officer shall serve.~~

~~(2) — Notice by Prosecuting Attorneys.~~ Each elected or appointed prosecuting attorney shall give notice to the IOJA of:

~~(a) — the commencement and termination of the prosecuting attorney's term of office and, pursuant to statute, whether the position will be full or part time;~~

~~(b) — the employment or termination of a deputy prosecuting attorney whose salary is paid by the State of Indiana and, pursuant to statute, whether the position will be full or part time.~~

~~(3) — Content and Time of Notice.~~ The notice must be given at least two (2) weeks in advance of the beginning or termination of the term in office or employment on forms designed by the IOJA.

...

Rule 5.1. Notice of Commencement or Termination of Term in Office and Employment.

(A) Notice by Judges. Each elected or appointed circuit, superior, county, probate, city, town, or small claims court judge shall give notice to the IOJA of:

(1) the commencement and termination of the judge's term of office;

(2) the employment or termination of any magistrate, referee, commissioner, hearing officer, or other appointed judicial officer, whether such judicial officer is paid by the State of Indiana or by another entity. This notice must designate the position as full or part time, state the number of hours per week that the position requires, and identify all court(s) in which such appointed judicial officer shall serve.

(B) Notice by Prosecuting Attorneys. Each elected or appointed prosecuting attorney shall give notice to the IOJA of:

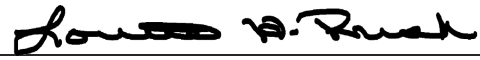
(1) the commencement and termination of the prosecuting attorney's term of office and, pursuant to statute, whether the position will be full or part time;

(2) the employment or termination of a deputy prosecuting attorney whose salary is paid by the State of Indiana and, pursuant to statute, whether the position will be full or part time.

(C) Content and Time of Notice. The notice must be given at least two weeks in advance of the beginning or termination of the term in office or employment on forms designed by the IOJA.

...

These amendments are effective January 1, 2024.
Done at Indianapolis, Indiana, on 7/7/2023.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.