

In the
Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-212



Order Approving Amended Local Rules

The Judges of the Montgomery Circuit and Superior Courts request approval of amended local rules for caseload allocation and criminal case assignments in accordance with Administrative Rule 1(E), and for criminal case special judge assignments in accordance with Administrative Rule 21. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Montgomery Circuit and Superior Courts, this Court finds that the proposed amendments to LR54-AR00-1, LR54-AR1(E)(6), and LR54-AR22 comply with the requirements of Administrative Rule 1(E) and the amendments to LR54-AR21 comply with Administrative Rule 21, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR54-AR00-1, LR54-AR1(E)(6), LR54-AR22, and LR54-AR21, for the Montgomery Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2026.

Done at Indianapolis, Indiana, on 8/20/2025.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

LR54-AR00-1

Civil Case Assignments

Civil actions and proceedings in the Montgomery Circuit and Superior Courts shall be assigned among the courts as follows:

A. Montgomery Circuit Court: Any civil actions or proceedings; and all juvenile actions or proceedings except juvenile termination of parental rights (JT) cases.

B. Montgomery Superior Court 1: Any civil actions or proceedings; all civil domestic relations proceedings in which the Prosecuting Attorney has appeared pursuant to 42 USC Section 602(a)(26), as amended ("Title IV-D" proceedings); and all adoption actions or proceedings..

C. Montgomery Superior Court 2: Any civil actions or proceedings; all civil cases founded on contract or tort in which the claim does not exceed the statutory small claims jurisdictional amount; all possessory actions between landlord and tenant in which the claim does not exceed the statutory small claims jurisdictional amount; all actions for possession of property where the value of the property sought to be recovered does not exceed the statutory small claims jurisdictional amount; all infraction and ordinance violation cases; all probate actions or proceedings; and all juvenile termination of parental rights (JT) cases.

D. The judges of the Montgomery Circuit and Superior Courts by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign any case to any other court in the county, subject to acceptance by the receiving court. A comprehensive list of civil case assignments is located in Appendix A.

Appendix A

Civil Case Assignments

Case Type	Circuit	Superior 1	Superior 2
Adoption (AD)		X	
Civil Collection (CC)	X	X	X
Civil Tort (CT)	X	X	X
Domestic Relations With Children (DC)	X	X	X
Domestic Relations No Children (DN)	X	X	X
Petition for Eviction (EV)			X

Grandparent Visitation (GV)	X	X	X
Mortgage Foreclosure (MF)	X	X	X
Mental Health (MH)	X	X	X
Miscellaneous (MI)	X	X	X
Post Conviction Relief Petition (PC)	X	X	X
Civil Plenary (PL)	X	X	X
Order of Protection (PO)	X	X	X
Judicial Review of Administrative Agency Decisions (RA)	X	X	X
Warrantless Seizure of Firearms (RF)		X	
Reciprocal Support (RS)	X	X	X
Petition for Issuance of a Tax Deed (TP)	X	X	X
Application for Judgment in a Tax Sale	X	X	X
Expungement Petitions (XP)	X	X	X

Appendix B

Plan for Allocation of Judicial Resources

Cases shall be assigned to the Circuit Court, Superior Court 1, and Superior Court 2 of Montgomery County pursuant to LR54-AR00-1. The judges of the courts shall review the caseload of each court and the weighted caseload statistics published by the Indiana Office of Judicial Administration. Such review shall occur not less than every two years. The judges shall make any necessary changes to the allocation plan in accordance with Administrative Rule 1(E).

LR54-AR1(E)(6)

Criminal Case Assignments

A. All level 6 felony cases and all misdemeanor alcohol cases with habitual vehicular substance offender charges shall be assigned to the Montgomery Superior Court 1.

B. All misdemeanor cases not specified in paragraph A shall be assigned to Montgomery Superior 2.

C. All murder, level 1,2,3,4,& 5 felony cases shall be assigned to the Montgomery Circuit Court.

D. If there is a conflict as to which court a case should be assigned pursuant to the foregoing rules, the case shall be assigned according to the highest level of felony charged.

E. To promote judicial economy, the foregoing assignment of cases among the three courts shall be modified with respect to offenses charging the same defendant or arising out of the same or related incidents in which litigation is pending so that the new charge may be filed in the court in which the defendant has already been charged or related litigation is pending.

F. This Case Assignment rule notwithstanding, cases may be transferred from one court to another as may be appropriate.

LR54-AR21

Reassignment

A. The following judges shall serve in the event it becomes necessary to reassign a felony or misdemeanor case in the Montgomery Circuit Court, the Montgomery Superior Court 1 or the Montgomery Superior Court 2: The judge of the Fountain Circuit Court, the judge of the Montgomery Circuit Court, the judge of the Montgomery Superior Court 1, the judge of the Montgomery Superior Court 2, the judge of the Parke Circuit Court, the judge of the Vermillion Circuit Court, ~~and~~ the judge of the Warren Circuit Court, the judge of the Putnam County Circuit Court, the judge of the Putnam County Superior Court, the magistrate of the Putnam Circuit and Superior Courts, the judge of the Boone County Circuit Court, the judge of the Boone County Superior Court 1, the judge of the Boone County Superior Court 2, the magistrate of the Boone Circuit Court, the judge of the Clinton County Circuit Court, the judge of the Clinton County Superior Court, the judge of the Hendricks County Circuit Court, the judge of the Hendricks County Superior Court 1, the judge of the Hendricks County Superior Court 2, the judge of the Hendricks County Superior Court 3, the judge of the Hendricks County Superior Court 4, the judge of the Hendricks County Superior Court 5, the first magistrate of the Hendricks Superior Courts, the second magistrate of the Hendricks Superior Courts, the judge of the Tippecanoe County Circuit Court, the judge of the Tippecanoe County Superior Court 1, the judge of the Tippecanoe County Superior Court 2, the judge of the Tippecanoe County Superior Court 3, the judge of the Tippecanoe County Superior Court 4, the judge of the Tippecanoe County Superior Court 5, the judge of the Tippecanoe County Superior

Court 6, the judge of the Tippecanoe County Superior Court 7, the magistrate of the Tippecanoe Superior Court 3, the magistrate of the Tippecanoe Circuit and Superior Courts.

B. By order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-24-6- 10, temporarily transfers the above named judges to the Montgomery Circuit and Superior Courts for the purpose of reassignment of felony or misdemeanor cases. In the event it becomes necessary to reassign a felony or misdemeanor case, the cases will be reassigned on a rotating basis to the above named judges in the order in which they are listed.

LR54-AR22

Transfer

The judges of the Montgomery Circuit and Superior Courts, by appropriate order entered in the Record of Judgment and Orders, may transfer and reassign any case to any other court in the county, subject to acceptance by the receiving court.

Criminal Appendix C

Plan for Allocation of Judicial Resources

Cases shall be assigned to the Circuit Court, Superior Court 1, and Superior Court 2 of Montgomery County pursuant to LR54-AR1(E)(6). The judges of the courts shall review the caseload of each court and the weighted caseload statistics published by the Indiana Office of Judicial Administration. The judges shall revise the case allocations as needed in accordance with Admin. Rule 1(E).