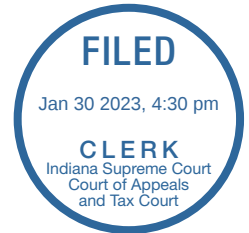


# In the Indiana Supreme Court

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

Supreme Court Case No.  
23S-MS-22



## Order Approving Amended Local Rules

The Judges of the Jennings Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and for criminal case assignments in accordance with Criminal Procedure Rule 2.2. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Jennings Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR 40-AR8-01 and LR 40-CR13-03 comply with the requirements of Indiana Administrative Rule 1(E), and LR 40-AR8-01 complies with Criminal Procedure Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR 40-AR8-01 and LR 40-CR13-03, for the Jennings Circuit and Superior Courts, set forth as attachments to this Order, are approved effective February 1, 2023.

Done at Indianapolis, Indiana, on 1/30/2023.

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

Loretta H. Rush  
Chief Justice of Indiana

## **LR 40-AR8-01 - INITIAL CASE ASSIGNMENT AND LOCAL CASELOAD PLAN**

(See Indiana Administrative Rule 8 and Indiana Rule of Criminal Procedure 2.2)

Unless otherwise required by statute, the Clerk of Courts and the Prosecuting Attorney of Jennings County, to the extent applicable, shall file the following cases in the following Court:

### **Jennings Circuit Court**

- 1.) All Level 1, 2, 3, 4, 5, and 6 felonies and Murder (MR), EXCEPT those filed alleging a Level 6 felony under IND. CODE §9-30-5-3 or §9-30-5-4 and related Post Conviction Relief proceedings.
- 2.) Mental Health (MH)
- 3.) All Adoption or Adoption History Petitions (AD)
- 4.) All Estates and Trust (EU, ES, EM and TR)
- 5.) All Guardianships (GU and GM)
- 6.) All family law matters (new filings and previously filed cases- DC, DN, DR, and RS)
- 7.) All juvenile matters (new filings and previously filed- JC, JT, JD, JM, JS, JO and JP)
- 8.) All Grandparent visitation cases and pre-filing motions where the underlying case would be heard in Jennings Circuit Court.

All causes listed in paragraphs 6 and 7 above will routinely be assigned to and heard by the Magistrate of the Jennings Circuit Court. There may be instances in which the Magistrate may need to be assigned to and hear other types of cases or instances in which Circuit Court may maintain jurisdiction of cases listed in 6 and 7 above. However, the routine expectation will be that the Magistrate of Jennings Circuit Court is assigned and hears all previously existing and new DC, DN, DR, RS, JC, JT, JD, JM, JS, JO and JP cases after July 1, 2021.

### **Jennings Superior Court**

- 1.) All Level 6 felonies alleging a violation of IND. CODE §9-30-5-3 or §9-30-5-4
- 2.) All Infractions (IF)
- 3.) All Misdemeanors (CM)
- 4.) All Local Ordinance and Exempted Ordinance Violations (OV and OE)
- 5.) All Small Claims (SC)
- 6.) All Protection Orders (PO)
- 7.) All civil actions unless otherwise assigned (CP, CT, PL, CC, EV, MF, ~~MH~~, TP and TS)
- 8.) All Miscellaneous (MI) cases except for grandparent visitation and pre-filing motions that would be heard by Jennings Circuit Court.

### **OTHER**

Expungement petitions (XP) filed under IND. CODE §35-38-9 shall be filed in the court where the conviction occurred or was filed if no conviction occurred. If the Petition for Expungement involves convictions in both Circuit and Superior Courts, the petition shall be filed in the court with the highest level case.

If a petition is filed under IND. CODE §35-38-9-1(a) (arrest with no charges ever having been filed), the Petition shall be filed in the Court which would have handled the most serious charge not filed.

Any action involving a land contract, as defined in IND. CODE §24-4.4-1-301(36), shall be filed as a civil action and not as small claim.

In criminal cases, the most serious charge filed shall determine the proper Court.

If an information alleges a violation of IND. CODE §9-30-5-3 or 9-30-5-4 and any other Level 6 felony, the case shall be filed in the Jennings Circuit Court.

All Red Flag (RF) cases will be heard in the court where any related matters are filed. In the event there are no other related matters filled, the RF case shall be filed in the Jennings Circuit Court.

#### **LR 40-CR13-03 - JUDICIAL OFFICERS**

For purposes of judicial economy in the Jennings County Courts, the judges of each Court (Circuit Court and Superior Court) may consent and authorize any of the other judges to exercise general jurisdiction over any and all cases in each other's courts, including, the signing of any and all warrants, detention orders and emergency custody orders.