

Case Initiation & Filings

Appearances

Trial Rule 3.1 and Criminal Rule 2.1

Contact: Indiana Office of Court Services; email: legalsupport@courts.in.gov

Purpose

The objective of an Appearance is to provide all the necessary information in a single document for the trial court clerk assigning case numbers and the trial judge in performing other case management functions. Additionally, the appearance form provides other parties with necessary information. When completed, initiating parties and attorneys will meet the requirements of Ind. Trial Rule 3.1, T.R. 5(B)(2), T.R. 77(B), and Ind. Criminal Rule 3.1.

- The initiating party, the responding party, and any intervening parties, must file an appearance form in a civil case.
- In a proceeding involving a petition for guardianship, the initiating party shall provide a completed Guardianship Information Sheet in the form set out in Appendix C to the Rules of Trial Procedure. The information sheet is a **confidential** Court Record excluded from public access under Ind. Administrative Access to Court Records Rules.
- An appearance form is filed by the attorney(s) representing the initiating party, responding party, and any intervening parties in all civil cases.
- In a criminal case, the prosecuting attorney, the defendant's attorney, or defendants defending themselves in a criminal case, file an appearance form.

- Any appearance form information or record defined as not accessible to the public under Ind. Access to Court Records 5 (C) (3) is filed in a manner required by T.R. 5.
- **If a party wishes to substitute attorneys, a substitution of appearance signed by the original attorney and the new attorney must be filed. If the attorney being replaced is unavailable to sign the substitution of appearance, the new attorney must include a statement of the reasons for the unavailability.**
- **Written notice of intent to withdraw representation is not required in criminal, family law, and juvenile cases, where no motion is pending and where no hearing or trial has been set.**
- **Written notice of intent to withdraw representation is not required in any case after other counsel has appeared on the party's behalf.**