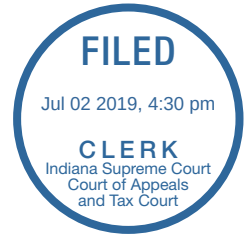


In the Indiana Supreme Court

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

Supreme Court Case No.
19S-MS-390



Order Approving Amended Local Rule

The Judges of the Montgomery Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and Indiana Criminal Rule 2.2. 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 rule amendments, LR54-AR00-1 and LR54-CR2.2-1 comply with the requirements of Indiana Administrative Rule 1(E) and Indiana Criminal Rule 2.2, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR54-AR00-1 and LR54-CR2.2-1 for Montgomery Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2020.

Done at Indianapolis, Indiana, on ^{7/2/2019}_____.

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 adoption 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 juvenile termination of parental rights (JT) cases.

C. Montgomery Superior Court 2: 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 estate cases; all trust cases; all guardianship cases; and any civil action.

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.

(Amended effective January 1, 2020)

LR54-CR2.2-1
Criminal Case Assignments

A. All level 6 felony cases, all misdemeanor alcohol cases with habitual vehicular offender charges, and all misdemeanor drug cases 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, consistent with LR 54-CR2.3-2, cases may be transferred from one court to another as may be appropriate.

(Amended effective January 1, 2018)