

In the
Indiana Supreme Court

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

Supreme Court Case No.
21S-MS-316



Order Approving Amended Local Rule

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 Criminal Rules 2.2 and for special judge assignments in accordance with Rules of Trial Procedure 79(H) and Criminal Rules 2.2 and 13. 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-AR 8-01 comply with the requirements of Indiana Administrative Rules 1(E) and Criminal Rules 2.2, LR40-CR13-02 comply with Criminal Rules 2.2 and 13, and LR40-TR79-03 comply with Rules of Trial Procedure 79(H), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR 40-AR 8-01, LR40-CR13-02, and LR40-TR79-03, for Jennings Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective September 1, 2021.

Done at Indianapolis, Indiana, on 8/30/2021.

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

Loretta H. Rush
Chief Justice of Indiana

LR 40-AR 8-01 - 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)

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 (CP, CT, PL, CC, EV, MF MI, TP and TS)

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.

LR40-CR13-02 - REASSIGNMENT IN CRIMINAL CASES

(See Indiana Rule of Criminal Procedure 2.2(D) and 13(C))

In the event it becomes necessary to reassign a felony or misdemeanor case in the Jennings Circuit or Superior Court, the court shall reassign the case in consecutive order on a rotating basis from a list of full-time judicial officers from the following contiguous counties and counties within Administrative District 21:

Bartholomew County
Brown County
Decatur County
Jackson County
Jefferson County
Ripley County
Scott County

Or, any Senior Judge who has agreed to serve as a special judge in the Jennings Circuit or Jennings Superior Court.

LR40-TR79-03 - SPECIAL JUDGE APPOINTMENT IN CIVIL CASES

(See Indiana Rule of Civil Procedure 79(H))

In the event a special judge needs to be appointed under Indiana Rule of Trial Procedure 79(H), the court shall reassign the case in consecutive order on a rotating basis from a list of full-time judicial officers from the counties below in Administrative District 21 and from contiguous counties who have agreed to serve as a special judge

Bartholomew County
Brown County
Decatur County
Jackson County
Jefferson County
Ripley County
Scott County

Or, any Senior Judge who has agreed to serve as a special judge in the Jennings Circuit or Jennings Superior Court.