

STATE OF INDIANA – COUNTY OF MORGAN  
IN THE MORGAN CIRCUIT AND SUPERIOR COURTS

---

*Notice of Proposed Amendment of Local Rules  
Of Practice and Procedure  
February 1, 2016*

---

In accordance with the authority granted under the Rule 81(A) of the Indiana Rules of Trial Procedure, the Morgan Circuit and Superior Courts hereby give notice to the Bar and the Public that the Courts propose to amend the **Local Rules of Practice and Procedure, specifically: amendments to Local Criminal Rules of Procedure and Administrative Rules to place all Juvenile matters into the Circuit Court, to permit the courts to modify caseloads when Indiana caseload plan requirements are not being met and to equalize case distributions regarding cases by modifying the criminal case loads for (F6) felonies, criminal misdemeanors (CM), Probate Matters (ES, EU, AD, GU, TR) and All Other Cases (PL, CT, CC, DR, MF, MI, RS).** New language is indicated by underlining and deleted language is indicated by strike-through. Supreme Court approval is required for amendments to caseload allocation plans and is so requested.

In accordance with Trial Rule 81(B), the time period for the Bar and the Public to comment shall **begin on February 1, 2016** and shall **close on March 18, 2016**. The amendments will become **effective on January 1, 2017**.

Comments by the Bar and the Public should be made in writing and mailed to:

Judge Matthew G. Hanson  
Attn: Public Comment on Local Rules  
Morgan Circuit Court  
P.O. Box 1556  
Martinsville, IN 46151

A paper copy of the Local Rules of Practice and Procedure will be made available for viewing in the office of the Clerk of the Morgan Circuit Courts, Courthouse, 10 E. Washington Street, Martinsville, Indiana during normal business hours. **Persons with Internet access may view the proposed amendment to the Local Rules of Practice and Procedure online at the following website:**

<http://www.in.gov/judiciary/2916.htm>

**Judge Matthew G. Hanson**  
Morgan Circuit Court

**Judge Peter R. Foley**  
Morgan Superior Court 1

**Judge Christopher L. Burnham**  
Morgan Superior Court 2

**Judge Jane Spencer Craney**  
Morgan Superior Court 3

## LR55-CR2.2-1\_\_\_\_. Case Filing Procedure

**In accordance with Criminal Rule 2.2, and to adjust weighted caseload for each of the Courts in light of the consolidation of all juvenile case filings in the Morgan Circuit Court (effective January 1, 2017), the following rules concerning the filing of criminal cases in the Morgan Circuit and Superior Courts shall apply**

\* \* \*

### **1.2 Case Filing Procedure; Random Filing.**

The Clerk of Morgan County will not randomly select a criminal case number for a new criminal case file (except “MC” cases) until a fully completed and a signed Information or Indictment is presented to the Clerk by the Prosecuting Attorney or designated agent/staff member.

Felony Classification (MR, and Level 1 through 5 6 felonies) [formerly FA, FB, FC, ~~FD~~]: Each case in which the highest penalty offense filed by Information or Indictment against a Defendant is Murder, or a Level 1 through 5 6 Felony shall be randomly assigned to one of the Morgan Circuit and Superior Courts by the Clerk of Morgan County by utilizing the Odyssey case management software random assignment protocol. ~~number generator~~.

Felony (F6) and Misdemeanor Classification (CM): Each case in which the highest penalty offense filed by Information or Indictment against a Defendant is a Level 6 Felony (F6) or Class A, B, or C Misdemeanor (CM) shall be randomly assigned to ~~a Court~~ one of the Morgan Superior Courts by the Clerk of Morgan County, in the following proportions:

- ~~(a) Morgan Circuit Court: 2.5 of every 10 misdemeanor cases filed.~~
- ~~(b)~~ a Morgan Superior Court 1: ~~2.5 of every 10~~ 1 of every 3 ~~misdemeanor~~ cases filed.
- ~~(c)~~ b Morgan Superior Court 2: ~~2.5 of every 10~~ 1 of every 3 ~~misdemeanor~~ cases filed.
- ~~(d)~~ c Morgan Superior Court 3: ~~2.5 of every 10~~ 1 of every 3 ~~misdemeanor~~ cases filed.

## **SECTION VI: ADMINISTRATIVE RULES**

### **LR55-AR00-1\_\_\_\_. Filing and Assignment of ~~Civil and Juvenile~~ Cases to Courts – Case Allocation Plan**

Subject to quarterly adjustments to caseload allocation under weighted caseload management requirements in the discretion of the presiding Judges of the Morgan Circuit and Superior Courts, cases ~~shall~~ will be assigned upon filing by the Clerk of the Morgan Circuit and Superior Courts to one of the regular Judges of the Morgan Circuit and Superior Courts as follows:

#### **1.1 Probate Matters (ES, EU, AD, GU, TR).**

Probate matters shall be filed in the ~~Morgan Circuit Court~~ Morgan Superior Court 2 or the Morgan Superior Court 1.

#### **1.2 Mental Commitments (MH).**

Petitions for Regular mental health commitments shall be filed in the Morgan Superior Court 1 or, if necessary, in the Morgan Superior Court 2 ~~Morgan Circuit Court~~. Any Judge of the Morgan Circuit or Superior Courts may issue an Order of Emergency Detention under I.C. 12-26-5.

#### **1.3 Protective Orders (PO).**

All petitions for protective orders shall be filed in the Morgan Circuit and Superior Courts as follows:

Superior Court III	(1st Quarter of calendar year)
Superior Court II	(2nd Quarter of calendar year)
Superior Court I	(3rd Quarter of calendar year)
Circuit Court	(4th Quarter of calendar year)

Notwithstanding this quarterly case filing schedule, a petition for a protective order shall be filed in the same Court where a case involving the same parties is already pending or to be filed. For example, any petition for a protective order that involves the same parties to a divorce proceeding already pending, or to be filed, shall be filed in the Court where the divorce proceeding is pending or to be filed. Further, any petition for a protective order that relates to a party or child in a CHINS, Guardianship, or Delinquency case shall be filed in the Court where that case is pending or is to be filed.

#### **1.4 Small Claims (SC).**

The Morgan Superior Court 3 shall be initially assigned to hear and determine all small claims proceedings.

#### **1.5 Juvenile Delinquency proceedings (JD, JS).**

The ~~Morgan Superior Court 2~~ Morgan Circuit Court shall be initially assigned to hear and determine all juvenile delinquency (JD, JS) proceedings.

#### **1.6 Juvenile CHINS and Paternity proceedings (JC, JT, JP).**

The Morgan Circuit Court shall be initially assigned to hear and determine all juvenile proceedings relating to Children in Need of Services (JC), Termination of Parental Rights (JT) and Paternity cases (JP).

### **1.7 Juvenile Miscellaneous proceedings (JM).**

The Morgan Circuit Court ~~and Morgan Superior Court 2~~ shall be assigned to hear and determine all juvenile miscellaneous (JM) proceedings. ~~with CHINS (JM) cases assigned to the Morgan Circuit Court, and Juvenile Delinquent (JM) cases assigned to the Morgan Superior Court 2.~~

### **1.8 All Other Cases ( PL, CT, CC, DR, MF, MI, RS).**

~~The Morgan Superior Court No. 3 shall not be assigned cases identified by case type “PL, CT, CC, MF.”~~ All other cases shall be assigned by the Clerk of Court as requested by the Plaintiff/Petitioner at the time of filing. If no specific court is requested by the Plaintiff/Petitioner, then the Clerk of Court shall assign the case to an appropriate court, consistent with this rule, in a random manner.