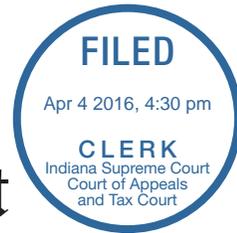


In the  
**Indiana Supreme Court**



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

Supreme Court Case No.  
55S00-1603-MS-150

**Order**

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

Upon examination of the proposed rule amendments requested by the Morgan Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR55-AR00-1 and LR55-CR2.2-1 comply with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR55-AR00-1 and LR55-CR2.2-1 for Morgan Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2017.

Done at Indianapolis, Indiana, on 4/4/2016.

A handwritten signature in black ink that reads "Loretta H. Rush".

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Loretta H. Rush  
Chief Justice of Indiana

## **SECTION VI: ADMINISTRATIVE RULES**

### **LR55-AR00-1 \_\_\_\_. Filing and Assignment of 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 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 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. 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 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 shall be assigned to hear and determine all juvenile miscellaneous (JM) proceedings.

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

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.

## **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 felonies) [formerly FA, FB, FC]:** Each case in which the highest penalty offense filed by Information or Indictment against a Defendant is Murder, or a Level 1 through 5 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.

**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 one of the Morgan Superior Courts by the Clerk of Morgan County, in the following proportions:

- (a) Morgan Superior Court 1: 1 of every 3 cases filed.
- (b) Morgan Superior Court 2: 1 of every 3 cases filed.
- (c) Morgan Superior Court 3: 1 of every 3 cases filed.