



In the  
**Indiana Supreme Court**

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

Supreme Court Case No.  
19S-MS-461

**Order Approving Amended Local Rule**

The Judges of the Scott County 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 Scott County Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR72-CR2.2-1 and LR72-AR1-4 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 LR72-CR2.2-1 and LR72-AR1-4 for Scott County Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2020.

Done at Indianapolis, Indiana, on 8/14/2019.

Loretta H. Rush

Chief Justice of Indiana

**LOCAL RULE NO. LR72-CR2.2-1**

**ASSIGNMENT OF CRIMINAL CASES  
AND SPECIAL JUDGE ASSIGNMENT**

The Courts of Scott County, Indiana, adopt the following rules for the assignment of criminal cases and the selection of special judges in criminal cases:

(A) All criminal cases (MR, F1, F2, F3, F4, F5, F6, CM) shall be filed in Circuit Court regardless of the level of felony or misdemeanor except as set forth in Paragraph (C) of this rule.

(B) All other criminal cases or proceedings including infractions (IF), miscellaneous criminal (MC), expungements (XP) and post-conviction relief (PC) shall be filed in Circuit Court.

(C) The following criminal cases shall be assigned by the Clerk on a rotating basis to a special judge from a panel of Senior Judges that includes Roger L. Duvall and Nicholas L. South, Sr.:

1. Criminal cases pending in the Circuit Court or the Superior Court as of 12:00 midnight, December 31, 2016;

2. Criminal cases in the Circuit Court or the Superior Court for which there was a disposition prior to January 1, 2017 and for which there is filed a motion, pleading or notice of any nature;

3. Criminal cases filed on or after January 1, 2017 for which the factual basis of the criminal case arose before January 1, 2017.

(D) When there is a recusal by the sitting Judge; or when a motion for change of Judge has been granted; then, pursuant to Rule 13 of the Indian Rules of Criminal Procedure, the Clerk shall assign a judge randomly from the list of sitting and elected judges of the following Courts consisting of Courts in contiguous counties and Courts within the Administrative District:

1. Jennings Circuit Court
2. Jefferson Circuit Court
3. Jefferson Superior Court
4. Washington Circuit Court
5. Washington Superior Court
6. Jackson Superior Court 1
7. Jennings Superior Court
8. Jackson Superior Court 2
9. Jackson Circuit Court
10. Clark Circuit Court 1
11. Clark Circuit Court 2
12. Clark Circuit Court 3
13. Clark Circuit Court 4
14. Floyd Circuit Court
15. Floyd Superior Court 1
16. Floyd Superior Court 2
17. Floyd Superior Court 3

*(Amended effective August 1, 2019)*

**LOCAL RULE NO. LR72-AR1-4**  
**ALLOCATION OF JUDICIAL RESOURCES**

(A). Not later than May 15 of each year, all regular Judges of the Scott Circuit and Superior Court shall meet, in person, telephonically, or other means, and shall evaluate each Court's caseload data, as reported to the Office of Judicial Administration.

(B). The caseload evaluation shall factor in any special circumstances such as death penalty cases.

(C). Service as transfer judge or special judge. Time spent doing special or transfer judge service by each Judge outside his or her court and special judge service or transfer judge service in each Court shall also be included.

(D). Based upon the foregoing caseload evaluation for each court within the county, the designated Judge shall develop and maintain a roster reflecting the weighted caseloads of each court and the judicial officer need or surplus in each court. Any plan for adjustment of caseload should then compare that need or surplus to the utilization range established in Administrative Rule 1(E).

(E). Should the above said evaluation indicate that the weighted caseloads of any Court are not within the county range, the Judges shall adopt a plan whereby (a) case type filings are shifted, (b) causes are transferred between courts pursuant to I.C. 33-29-1-9, (c) Judges sit as Judge of the other court pursuant to I.C. 33-29-1-10, as to bring all courts within the range.

(F). Civil Cases: All Civil Plenary, Mortgage Foreclosure, Civil Collection, Civil Tort, and Miscellaneous cases (PL, MF, CC, CT, MI) shall be filed in Superior Court, except as provided by statute or as otherwise indicated below. Other civil proceedings as identified by Rule 8 of the Indiana Administrative Rules shall be filed as follows:

1. Civil and Miscellaneous Cases (MI's or PL's) relating to driving privileges, waiver of reinstatement fees, forfeiture of funds from criminal cases, or any other matters in which the Scott County Prosecutor's Office is involved and/or is a party shall be filed in Circuit Court.
2. Domestic Relations Cases: All Domestic Relations Cases, Divorces with Children and Divorces Without Children shall be filed in Superior Court, (DC and DN).
3. Small Claims: All Small Claims cases shall be filed in Superior Court, (SC).
4. Mental Health: All Mental Health cases shall be filed in Circuit Court, (MH).
5. Juvenile Delinquency: All Juvenile Delinquency and non-child in need of services-related Juvenile Miscellaneous shall be filed in Circuit Court (JD, JS, JM).
6. Juvenile Paternity: All Juvenile Paternity cases shall be filed in Circuit Court, (JP).
7. Child in Need of Services: All Child in Need of Services, Terminations, and child in need of services-related Juvenile Miscellaneous cases shall be filed in Superior Court, (JC, JT, JM).
8. Probate, Guardianships and Estates: All Guardianship, Trust, and Estate cases shall be filed in Circuit Court (ES, EU, EM, GU, TR). All Adoptions shall be filed in Superior Court (AD).
9. Reciprocal Support: All Reciprocal Support cases shall be filed in Circuit Court (RS).
10. Ordinances: All Ordinance violations shall be filed in the Superior Court, (OV, OE).
11. Tax Cases: All tax related cases shall be filed in Circuit Court (TS and TP).

(G). Any action involving a land contract as defined in I.C. 24-4.4-1-301(36) shall be filed as a civil action and not as a small claims case.

(H). Proceedings for an order of protection under I.C. 34-26-2-1 et. seq., (PO) shall be filed in Scott Superior Courts, with the exception that the protective order proceeding shall be filed in Scott Circuit Court if there is a pending dissolution (DR) or paternity (JP) case filed there. The Clerk of Courts shall inquire of a petitioner if such dissolution or paternity case is pending in this county or any other county before assigning the case to a court. Prior to referring a petitioner in a protective order proceeding to the appropriate court, the Clerk of Courts shall review the petition as to the completion of that petition to insure that the petition contains all appropriate and available information.

(I) The following juvenile and domestic relations cases shall be assigned by the Clerk on a rotating basis to a special judge from a panel of Senior Judges that includes Roger L. Duvall and Nicholas L. South, Sr.:

1. Juvenile cases of any nature pending in the Circuit Court as of 12:00 midnight, December 31, 2016;
2. Juvenile cases of any nature in the Circuit Court for which there was a disposition prior to January 1, 2017 and for which there is filed a motion, pleading or notice of any nature;
3. Juvenile cases of any nature filed on or after January 1, 2017 for which the factual basis of the criminal case arose before January 1, 2017.
4. Paternity (JP) and Reciprocal (RS) cases filed before January 1, 2017.
5. Domestic Relations (DR) cases filed in Scott Circuit Court before January 1, 2017 for which there was representation by the Title IV-D Office of the Scott County Prosecuting Attorney's Office between January 1, 2005 and December 31, 2016.

6. Domestic Relations cases (DR, DN, or DC) filed in Scott Superior Court for which there is or was representation by the Title IV-D Office of the Scott County Prosecuting Attorney's Office on or after January 1, 2017.

*(Amended effective January 1, 2020)*