

In the
Indiana Supreme Court



In the Matter of the Approval of Local Rule
for Sullivan County

Supreme Court Case No.
20S-MS-253

Order Approving Amended Local Rules

The Judges of the Sullivan Circuit and Superior Court request the approval of amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Sullivan Circuit and Superior Court, this Court finds that the proposed rule amendment, LR77-AR1-1, complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR77-AR1-1 for the Sullivan Circuit and Superior Court, set forth as an attachment to this Order, is effective upon approval.

Done at Indianapolis, Indiana, on 4/9/2020 .

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

Loretta H. Rush
Chief Justice of Indiana

**Sullivan County Plan for
Allocation of Judicial Resources**
(Effective February 20, 2020)

SULLIVAN COUNTY PLAN FOR ALLOCATION OF JUDICIAL RESOURCES

- A. **Sullivan Circuit Court:** The Sullivan Circuit Court shall have exclusive jurisdiction over the following Court dockets:
1. Juvenile Cases: Delinquency, Paternity, Chins
 2. Probate Cases: Estates, Guardianships, Adoptions
 3. Civil Commitments (Mental Health cases)
- B. **Sullivan Superior Court:** The Sullivan Superior Court shall exclusive jurisdiction over the following Court dockets:
1. Small Claims
 2. Felony and all Misdemeanors
 3. Traffic Infractions
- C. **CONCURRENT JURISDICTION:** The Sullivan Circuit Court and the Sullivan Superior Court will each have jurisdiction over the following Court dockets:
1. Civil
 2. Criminal Felony
 3. Civil Venue cases from Vigo County
 4. Protective Orders
 5. Divorces and Legal Separations
- D. **Random Case Assignment:** Cases involving concurrent jurisdiction shall be assigned randomly by the Clerk of the Sullivan Circuit and Superior Courts. This shall be accomplished by utilizing JTS Case Tracking Software which randomly assigns cases on a 50:50 ratio between Sullivan Circuit Court and the Sullivan Superior Court. However, there are some instances in which random case assignment will not be conducted.

Those Exceptions are as follows:

1. **Criminal Felony Case Assignment:** If a criminal non-support of a dependent child case is filed and Sullivan Court has an pending case in which the child support obligation was either established or enforced, then the criminal non-support case shall be filed in the same Court in which the child support obligation was established or enforced. The Clerk of the Court will override the random case assignment process and assign the criminal non-support case to the appropriate Court.

2. Companion Civil Filings: In the event two or more civil causes are identified by the filing party as companion cases, arising from the same circumstances, with similar issues of fact and law, the Clerk will utilize random case assignment to assign a Court to the first cause. The Clerk of the courts will then override the random case assignment process and assign any companion cases the same Court.
 3. Subsequent Criminal Filings: The Circuit Court and the Superior Court state that the policy of the Courts is to have all criminal cases pending against an individual filed in the same Court. Therefore, when a criminal case is filed, the Prosecuting Attorney and the Clerk shall determine if the accused has additional criminal charges pending. When the new criminal charge is filed in the Court where the additional criminal charges are pending, the Clerk shall override the random case assignment and assign the new criminal charge to the appropriate Court.
- E. Transfer: The Judge of the Sullivan Circuit Court or the Sullivan Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign any case to the other Court, subject to acceptance by the receiving Court.
- F. Refiling: When the filing party and/or the State of Indiana dismisses a case and chooses to refile that case, the case shall be reassigned to the Court from which the dismissal was taken.