

STATE OF INDIANA

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MARION CIRCUIT AND
SUPERIOR COURTS

COUNTY OF MARION

In Re Local Court Rules

**Notice of Proposed Local Rule Amendments, Finding Good Cause to Deviate
from the Schedule for Amending Local Court Rules, and Requesting
Comments**

The Judges of the Marion County Courts in compliance with the provisions of Trial Rule 81 give Notice of proposed amendments to their local court rule concerning **LR49-TR79-223. INITIAL REQUEST FOR CHANGE OF JUDGE, LR49-TR79-224. APPOINTMENT BY CLERK, and LR49-TR79-225. ACCEPTANCE.** And, pursuant to Trial Rule 81(D), the Judges find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of amendments to local rules. Accordingly, the Courts issue the following proposed amendments to the Marion County Local Court Rules and ask for comment from the bar and the public. Underlining indicates proposed additions and ~~striking through~~ indicates deletions. The amended rule will be effective on **November 15, 2020.**

Comments to this proposed Local Rule amendment will be received through noon on **October 5, 2020.** Comments to this proposed amended Local Rule should be e-mailed to the Office of the Court Administrator, c/o Emily VanOsdol, at Emily.VanOsdol@indy.gov or mailed to:

Emily VanOsdol
Office of the Court Administrator
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T1221
Indianapolis, IN 46204

All of the above is so ORDERED this 4th day of September, 2020.

/s/ Heather Welch
Judge Heather Welch
Presiding Judge
Marion Superior Court

LR49-TR79-223. INITIAL REQUEST FOR CHANGE OF JUDGE

Upon a timely filed motion for a change of judge under Indiana Trial Rule 79, the court shall grant the motion. Within seven (7) days of the notation of the order in the Chronological Case Summary, the parties may agree upon an eligible special judge.
(Amended effective July 31, 2015)

LR49-TR79-224. SPECIAL JUDGE APPOINTMENT BY CLERK

~~Upon the parties not reaching an agreement or the agreed upon judge not accepting the case under Local Rule 225, the~~ The appointment of an eligible special judge shall be made by means of the Marion County Clerk selecting a name of the next judge from lists of judges from Marion County maintained by the Clerk. A separate list shall be kept for domestic and juvenile cases that will include the following case types: DR, DC, DN, RS, GU, AD, JC, JD, JS, JP, JM, JQ, JT, and POs that are domestic in nature (those that involve a relationship as defined by IC 35-31.5-2-128).

All judges of the Marion Circuit and Superior Court Civil Division are eligible persons under this rule except as follows: ~~the judge of the Marion Circuit Court shall not be named on the list for domestic relation cases; the judges of the Juvenile Division shall not be named on any list; and the judge of the Probate Division shall be named only on the lists for domestic relations and juvenile cases.~~

1. The judge of the Marion Circuit Court shall not be named on the list for domestic cases.
2. The judges of the Juvenile Division shall not be named on any list.
3. The judge of the Probate Division shall be named only on the lists of domestic relations and juvenile cases.
4. The judges in Marion Superior Courts D10, D14, and D16 shall be named only on the lists for domestic relations and juvenile cases.
5. The judges in Marion Superior Courts D01, D02, D03, D04, D05, D06, D07, D11, D12, and D13 shall not be named on the lists for domestic relations and juvenile cases.

Should the next judge on the list be disqualified pursuant to the *Code of Judicial Conduct*, ineligible for service under this rule, or excused from service by the Indiana Supreme Court, the clerk shall continue down the list until all judges on the list have been exhausted. Upon exhaustion of the list, the judge from whom the change of judge was taken, or who is ineligible or disqualified, shall certify the case to the Indiana Supreme Court for the appointment of a special judge by the Court. Further, the judge may certify a case directly to the Indiana Supreme Court where the particular circumstances of the case warrant selection by the Court without reference to the clerk for selection from a list.

(Amended effective ~~August 12, 2013~~) January 1, 2021.)

LR49-TR79-225. ACCEPTANCE

~~A judge appointed to serve as special judge under this Local Rule must accept jurisdiction in the case unless the appointed special judge is disqualified pursuant to the *Code of Judicial Conduct*, ineligible for service under this rule, or must be excused from service by the Indiana Supreme Court. The order of appointment under this Local Rule shall constitute acceptance. An oath or additional evidence of acceptance of jurisdiction is not required.~~
(Amended effective August 12, 2013)