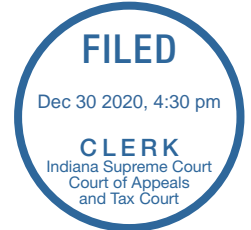


In the
Indiana Supreme Court

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

Supreme Court Case No.
20S-MS-725



Order Approving Amended Local Rule

The Judges of the Tippecanoe Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and Criminal Procedure Rule 2.2 on initial case assignments, and for special judge assignments in civil cases in accordance with Trial Procedure Rule 79. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR79-AR 1 (E)-1 complies with the requirements of Indiana Administrative Rules 1(E) and Criminal Procedure Rule 2.2, and LR79-TR79-11 complies with Trial Procedure Rule 79, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR79-AR 1 (E)-1, and LR79-TR79-11, for Tippecanoe Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2021.

Done at Indianapolis, Indiana, on 12/30/2020.

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

Loretta H. Rush
Chief Justice of Indiana

LR79-AR 1(E). Rule 1 County Caseload

As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the Tippecanoe County Caseload reads as follows:

All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony and those Class D felonies or Level 6 felonies specified below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

Court	Ratio
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

For any defendant who has a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony case pending or who is serving a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony sentence, whether executed or suspended, any new case in which the most serious charge alleged is a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 felony shall be filed in the court having jurisdiction of the oldest such prior case. Upon learning that such a case has been filed in the wrong court, the prosecutor shall within 14 days move to transfer the case to the proper court.

Class D felony and Level 6 felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

Battery on a Child
Possession of Child Pornography
Child Exploitation
Vicarious Sexual Gratification
Child Solicitation
Child Seduction
Dissemination of Matter Harmful to Minors
Neglect of a Dependent
Arson
Sexual Conduct in Presence of Minor
Kidnapping

All Class D felonies, Level 6 felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, except cases in which the lead charge is Operating While Suspended with Prior Conviction, a Class A misdemeanor, and only those civil plenary cases with claims up to \$10,000 shall be assigned to Superior Court No. 6 of Tippecanoe County.

All traffic infractions or misdemeanors alleging a violation of Indiana Code Title 9, Traffic Code ONLY filed against an individual sixteen (16) or seventeen (17) years of age shall be filed in Superior Court No. 6 of Tippecanoe County.

All cases in which Operating While Suspended with Prior Conviction, a Class A misdemeanor is the lead charge shall be filed in Superior Court No. 7.

All civil cases involving landlord-tenant claims shall be filed in Superior Court No. 7.

All other civil cases involving small claims shall be filed in Superior Court No. 4.

All search warrants and 72 hour holds approved by the Tippecanoe County Magistrate shall be filed in Superior Court No. 4 of Tippecanoe County.

All Class D felonies, Level 6 felonies, misdemeanors, and infractions alleging a violation of Indiana Code not specifically set forth in these rules shall be assigned to Superior Court No. 4, Superior Court No. 5 and Superior Court No. 7 of Tippecanoe County on a random basis according to the following ratio:.

Court	Ratio
Superior Court No. 4 of Tippecanoe County	1
Superior Court No. 5 of Tippecanoe County	1
Superior Court No. 7 of Tippecanoe County	1

Where it is alleged a defendant committed the offense of Escape or Failure to Return to Lawful Detention (I.C. 35-44.1-3-4) in violation of an order issued by a Tippecanoe County Court, the charge of Escape or Failure to Return to Lawful Detention shall be filed in the court which issued the order.

Where it is alleged a defendant committed the offense of Escape or Failure to Return to Lawful Detention (I.C. 35-44.1-3-4) in violation of an order issued by a court in any other county, state or jurisdiction, the charge of Escape or Failure to Return to Lawful Detention shall be filed in Tippecanoe Superior Court 5.

Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction only. All juvenile case types shall be filed in Superior Court No. 3. All MI cases types involving Collaborative Care shall be filed in Tippecanoe Superior Court No. 3. All MI case types involving Petitions for Order Granting Minor Approval to Marry shall be filed in Superior Court No. 3 as a confidential case with payment of filing fees. No criminal cases shall be filed in Superior Court No. 3. Cases wherein juvenile jurisdiction is waived shall be filed in accordance with LR79-AR 1 (County Caseload).

When it is alleged that defendants jointly commit a crime or crimes and the most serious charge alleged is Murder, the cases shall be assigned together to Tippecanoe Circuit Court, Superior Court of Tippecanoe County or Superior Court No. 2 of Tippecanoe County on a random basis in the ratio of 2:4:4 set forth above.

Where it is alleged that defendants jointly commit a crime or crimes, and the most serious charge alleged is a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony, their cases shall be filed together in the same court. In any such cases where one or more of the defendants has a Class A, B or C felony or a Level 1, 2, 3, 4 or 5 felony case pending or is serving a Class A, B, or C felony or a Level 1, 2, 3, 4 or 5 sentence, whether executed or suspended, all the cases shall be filed in the court having jurisdiction of the oldest such prior case. Any case in which the most serious charge is a Class D felony, Level 6 felony, misdemeanor or infraction shall be filed as specified above, notwithstanding any charges against co-defendants.

A judge, by appropriate order may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.

A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.

All petitions for civil orders of protection shall be filed initially in Superior Court No. 5 of Tippecanoe County.

Petitions for dissolution of marriage in which a fee waiver is requested shall be filed in Superior Court No. 2.

Petitions for Establishment of Paternity, Establishment/Enforcement of Child Support, Legal Separation to Establish Child Support, Reciprocal Support, Reciprocal Enforcement of Child Support (UIFSA), Modification of Support under Uniform Child Custody Jurisdiction Act, and/or Enforcement or Registration of Foreign Child Support Order initiated by State of Indiana IV-D Child Support Office shall be filed in Superior Court No. 3.

Petitions to expunge records under I.C. 35-38-9-1 shall be filed in the court in which the charges were filed under a new expungement (XP) cause without the payment of court costs, and if no charges were filed or the petition includes Section 1 requests from multiple courts, then said petitions shall be filed in Tippecanoe Superior Court No. 2 under a new expungement (XP) cause without the payment of court costs.

Petitions to expunge misdemeanor convictions under I.C. 35-38-9-2, minor Class D or Level 6 felony convictions under I.C. 35-38-9-3, less serious felony convictions under I.C. 35-38-9-4, and certain serious felony convictions under I.C. 35-38-9-5 shall be filed under a new expungement (XP) cause with the payment of court costs. Said petitions shall be filed in the court in which conviction was entered, unless the petition seeks to expunge causes from multiple courts, then the petition shall be filed in Tippecanoe Superior Court No. 2. The payment of court costs is required so long as the petition includes a request to expunge at least one conviction.

Petitions to expunge records concerning a delinquent child or a child in need of services under I.C. 31-39-8 shall be filed in Superior Court 3 of Tippecanoe County in the original cause without payment of filing fees. Petitions to expunge substantiated reports of the Department of Child Services under I.C. 31-33-27-5 shall be filed in Superior Court No. 3 under a JM cause with payment of filing fees. Petitions to expunge juvenile records under I.C. 35-38-9-1 shall be filed in the original cause without payment of filing fees.

The Presiding Judges of the Superior Courts 4, 5, 6 and 7 shall assign the Magistrate to serve any of the Tippecanoe Circuit or Superior Courts in a manner which provides greater assistance to the courts with greater caseloads.

The Presiding Judge of Superior Court No. 3 of Tippecanoe County shall assign the Juvenile Magistrate to serve Superior Court No. 3 in a manner necessary to assist with the juvenile caseload.

The Supervising Judge of Superior Court No. 3 of Tippecanoe County shall assign the IV-D Commissioner to serve Tippecanoe Circuit Court, Superior Court, Superior Court No. 2 and Superior Court No. 3 in a manner which provides assistance for caseloads involving the IV-D Child Support Office. All other civil cases, regardless of type, not otherwise mentioned herein, shall be filed in either Circuit Court, Superior Court 1, or Superior Court 2, except for civil cases designated DN which may also be filed in Superior Court No. 7.

LR79-TR79-11

Special Judge Selection in Civil Cases

Pursuant to Trial Rule 79, within seven (7) days of notation in the chronological Case Summary (CCS) of an order granting change of judge or an order of disqualification or recusal, the parties may agree to an eligible special judge by filing a written agreement with the court. Absent such an agreement, a special judge shall be appointed as follows.

Juvenile Cases: To ensure the effective use of all judicial resources within this Administrative District, the juvenile court shall maintain a list of eligible judges including judges (1) regularly presiding over juvenile cases within this Administrative District and (2) judges from contiguous counties who have agreed to serve as special judge in juvenile cases. When required to assign a special judge pursuant to Trial Rule 79, the juvenile court shall assign a judge from said list on a rotating basis for juvenile cases excluding paternity or child support cases initiated by the State of Indiana IV-D Child Support Office.

All Other Civil Cases: To ensure the effective use of judicial resources within the administrative district, the Tippecanoe County Clerk, with the assistance from the Tippecanoe County Department of Information Technology shall maintain a computer generated random selection list of eligible judges including (1) the seven (7) judges of Tippecanoe County(not having exclusive juvenile jurisdiction), (2) judges regularly presiding within the Administrative district, and (3) judges from other contiguous counties who have agreed to serve as special judge. Whenever a special judge needs to be assigned pursuant to Trial Rule 79, the court shall direct that a judge be randomly selected from said list in the following order: first from judges in Tippecanoe

County, second from judges within the Administrative District and last from judges in other contiguous counties.

In cases where no judge is eligible to serve as special judge, or where the particular circumstances warrant selection of a special judge by the Indiana Supreme Court, the judge of the court where the case is pending shall promptly submit certification of such to the Indiana Supreme Court.