

In the
Indiana Supreme Court

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

Supreme Court Case No.
20S-MS-265



Order Approving Amended Local Rule

The Judges of the Hendricks Circuit and Superior Courts request the approval of amended local rules for caseload allocation in accordance with Indiana Administrative Rule 1(E) and for court reporter services in accordance with Administrative Rule 15. Attached to this Order are the proposed amended local rules.

Upon examination of the proposed rule amendments requested by the Hendricks Circuit and Superior Courts, this Court finds that the proposed rule amendments at LR32-AR1 Rule 1 and LR32-CR2.2 Rule 1 comply with the requirements of Indiana Administrative Rules 1(E) and LR32-AR 15 Rule 2 complies with Administrative Rule 15, and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules, LR32-AR1 Rule 1, LR32-CR2.2 Rule 1, and LR32-AR15 Rule 2, for Hendricks Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective April 1, 2020.

Done at Indianapolis, Indiana, on 4/20/2020 .

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

Loretta H. Rush
Chief Justice of Indiana

LR32-AR1 Rule 1 Plan for Allocation of Judicial Resources.

Definitions.

- A. **“Week”** shall mean 12:01 a.m. Friday until 12:00 a.m. the following Friday.

- B. The **“weekly rotation”** for assignment of cases shall be:
 - 1. **“Week 1”** means Hendricks Circuit Court.
 - 2. **“Week 2”** means Hendricks Superior Court No. 2.
 - 3. **“Week 3”** means Hendricks Superior Court No. 4.
 - 4. **“Week 4”** means Hendricks Superior Court No. 5.

Criminal Cases. Criminal case assignment will operate as specified in LR32-CR2.2 Rule 1.

Juvenile Cases.

- 1. All JCs, JDs, JSs, JPs, JMs, and JTs shall be filed in Hendricks Superior Court No. 3.
- 2. In the event a judge enters an order of disqualification or recusal on a pending JC, JD, JS, JP, JM, or JT, that case shall be transferred to Hendricks Superior Court No. 3 unless the judge of Hendricks Superior Court No. 3 enters the order of disqualification or recusal, in which case the case shall be transferred to another local judge.

Remaining Civil Cases.

- A. **Civil Plenary.** PLs shall be filed in Hendricks Circuit Court and Hendricks Superior Court No. 2 and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.

- B. **Civil Tort.** CTs shall be filed in Hendricks Superior Court No. 1 and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.

- C. **Civil Collection.** CCs shall be filed in Hendricks Circuit Court and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.

- D. **Domestic Relations.**
 - 1. Except as set forth below, Domestic Relations With Children (DCs) shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.
 - 2. Except as set forth below, Domestic Relations No Children (DNs) shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, and Hendricks Superior Court No. 4 subject to the case type limits set forth in Appendix A.
 - 3. DCs involving children who are the subject of a pending JC or JT shall be filed in Hendricks Superior Court No. 3 regardless of that court’s case type limit.
 - 4. When all courts have reached their limit for DCs, a party may choose to file a DC in Hendricks Circuit Court, Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, or Hendricks Superior Court No. 4.
 - 5. When all courts have reached their limit for DNs, a party may choose to file a DN in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, or Hendricks Superior Court No. 4.

- E. Miscellaneous.** All MIs shall be filed in Hendricks Superior Court No. 5.
- F. Mortgage Foreclosure.** All MFs shall be filed in Hendricks Superior Court No. 2.
- G. Order of Protection.**
1. POs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
 2. POs filed by a party to a previously-filed (and not dismissed) DR, DC, DN, JP, or PO shall be filed in the same court as the prior DR, DC, DN, JP, or PO.
 3. If a petitioner seeks an order of protection against an unemancipated minor pursuant to IC 34-26-5-2, the case shall be filed in the court in which JCs, JDs, JSs, JPs, JMs, and JTs are filed.
- H. Probate.**
1. Except as set forth below, all ADs, ESs, EUs, EMs, GUs, and TRs shall be filed in Hendricks Superior Court No. 1.
 2. GUs of a minor child who is the subject of a pending JC or JT shall be filed in Hendricks Superior Court No. 3.
- I. Small Claims.** SCs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 subject to the case type limits set forth in Appendix A.
- J. Reciprocal Support.**
1. All RSs shall be filed in Hendricks Superior Court No. 3.
 2. In the event a judge enters an order of disqualification or recusal on a pending RS, that case shall be transferred to Hendricks Superior Court No. 3.
- K. Tax Deed/Tax Sale.** All Verified Petitions for Issuance of a Tax Deed (TPs) and Applications of Judgment in a Tax Sale (TSs) shall be filed in Hendricks Circuit Court.
- L. Mental Health.** All MHs shall be filed in Hendricks Superior Court No. 1.
- M. Expungement.** All expungements shall be assigned in the same manner as criminal cases are filed in these courts.
- N.** In the event a party in a civil case does not request to file in a particular court, the case shall be assigned on a random basis to a court that hears that case type, subject to the case type limits set forth in Appendix A.

Reassignment.

- A.** When a court has reached its limit for a case type, no additional cases of that type shall be filed in that court until all other courts have reached their limit for that case type as set forth in Appendix A.
- B.** When a court has reached its limit for a case type, the Clerk shall notify all courts of this fact and post notice to this effect in the Clerk’s Office.
- C.** Except where these rules provide otherwise, when all courts have reached their limit for a case type, any additional cases of that type shall be assigned on a rotating basis among the courts that hear that case type.
- D.** This rule does not limit the authority of the judges and magistrates of the courts of record in the county to preside over hearings or issue orders for one another to promote efficiency and provide for timely resolution of cases.
- E.** Cases transferred from one court to another shall not be included in the receiving court’s limit for that case type as set forth in Appendix A.

Evaluation of Caseload. The judges of the Hendricks County Courts shall develop and implement a caseload allocation plan for the county that ensures an even distribution of judicial caseloads among the judges. Changes necessary to ensure this even distribution shall be developed and implemented consistent with Indiana Administrative Rule 1.

	C01	D01	D02	D03	D04	D05
JC/JD/JS/JP/JM/JT				All		
PL	64		40		24	
MF			All			
CC	750					600
CT		88			88	
SC		624	624		624	1,000
DC	31	173	67	31	43	
DN		86	173		86	
RS				All		
MH/AD/EU/GU/TR		All				
MI						All
TP/TS	All					

(Amended effective April 1, 2020.)

LR32-CR2.2 Rule 1 Assignment of Criminal Cases.

Definitions.

- A. “Week” shall mean 12:01 a.m. Friday until 12:00 a.m. the following Friday.
- B. The “weekly rotation” for assignment of cases shall be:
1. “Week 1” means Hendricks Circuit Court.
 2. “Week 2” means Hendricks Superior Court No. 2.
 3. “Week 3” means Hendricks Superior Court No. 4.
 4. “Week 4” means Hendricks Superior Court No. 5.
- C. “Pending criminal case” means a criminal case in which there is either no disposition of the charge(s) via a determination of guilt or dismissal or the defendant has not yet been discharged from the sentence imposed, including probation.

Criminal Case Assignment.

A. General Rule.

1. Except as set forth below, all criminal case types shall be assigned according to the weekly rotation as defined in this rule by the date on which the offense alleged in the charging document (including grand jury indictments) occurred.
2. In the event of multiple offenses, the date on which the earliest offense alleged in the charging document occurred shall govern the assignment. Filing of multiple offenses shall comply with Indiana Administrative Rule 1(B)
3. In the event a charging document does not set forth a date on which the alleged offense occurred, the case shall be assigned to a court of record in the county on a random basis.
4. The week beginning 12:01 a.m. on Friday, April 28, 2017 shall be deemed Week 4.

B. Domestic Violence Cases. All cases filed under IC 35-42-2-1.3 or IC 35-46-1-15.1 shall be assigned to Hendricks Superior Court No. 5.

C. Escape or Failure to Return to Lawful Detention Cases. All cases filed under IC 35-44.1-3-4 shall be assigned to the court in which the defendant has a pending criminal case.

D. Post-Conviction Relief Petitions.

1. All PCs shall be assigned to the same court where the defendant was tried or pled guilty.
2. In the event the defendant was tried or pled guilty in another county, the PC shall be assigned according to the weekly rotation as defined in this rule.

E. Miscellaneous Criminal Cases.

1. Except as set forth below, all MCs shall be assigned according to the weekly rotation as defined in this rule.
2. When a defendant has a pending criminal case in the Hendricks Circuit or Superior Courts, the Hendricks County Prosecuting Attorney shall file all search warrant requests as MCs in the court presiding over the criminal case.

3. In the event the prosecutor declines to file charges against an individual who has been arrested – whether released on bond from the Hendricks County Jail or not – the prosecutor shall file a notice of declination of criminal charges. This notice shall be assigned an MC case type.

F. Infractions and Ordinance Violations.

1. Unless filed as additional charges in a felony or misdemeanor proceeding – in which case the infractions shall be resolved in conjunction with the felony or misdemeanor proceeding:
 - a. All IFs issued by the Danville Police Department shall be assigned to Hendricks Superior Court No. 5.
 - b. All other IFs shall be assigned to the appropriate Town Court.
2. All OVs issued by the Towns of Amo or Danville shall be assigned to Hendricks Superior Court No. 5.
3. All other OVs shall be assigned to the appropriate Town Court.

G. Town Courts.

1. Brownsburg Town Court
 - a. All cases filed under IC 35-43-5-5 shall be assigned to Brownsburg Town Court.
 - b. All CMs that occur within the limits of the town of Brownsburg shall be assigned to Brownsburg Town Court except cases filed under:
 - i. IC 9-30-5-1,
 - ii. IC 9-30-5-2,
 - iii. IC 35-42-2-1.3, or
 - iv. IC 35-46-1-15.1.
2. Plainfield Town Court
 - a. All CMs that occur within the limits of the town of Plainfield shall be assigned to Plainfield Town Court except cases filed under:
 - i. IC 9-30-5-1,
 - ii. IC 9-30-5-2,
 - iii. IC 35-42-2-1.3, or
 - iv. IC 35-46-1-15.1.

Re-Filings and Subsequent Filings.

- A. Subsequent to Dismissals.** In the event the State of Indiana dismisses a case or charge, any subsequent re-filing of that case or charge against the defendant shall be assigned to the court from which the dismissal was taken.
- B. Filing of Additional Charges.** When additional charges are filed against a defendant subsequent to the assignment of the case, all such additional charges to be resolved in conjunction with the pending criminal case shall be assigned to the court of initial assignment.
- C. New Causes of Action.**
 1. When a new cause of action is filed against a defendant in a Town Court who is on probation or is a defendant in an existing felony or misdemeanor proceeding in a court of record in the county, the judge of the court of record may accept transfer of the Town Court case.

2. When a new cause of action is filed against a defendant in a court of record in the county who is on probation or is a defendant in an existing felony or misdemeanor proceeding in another court of record in the county, the judges shall confer to determine into which court to consolidate all proceedings.
3. If the judges in subsection (2) cannot agree upon which court to consolidate all proceedings, all proceedings in subsection (2) shall remain separate.

Reassignment.

- A. In the event a change of judge is granted, or it becomes necessary to assign another judge in any felony or misdemeanor proceeding, the case shall be returned to the Clerk for random assignment to another court of record that hears that case type.
- B. A judge, by appropriate order entered in the record of judgments and orders, may transfer and reassign any pending criminal case to any other court of record in the county, subject to acceptance by the receiving court.
- C. This rule does not limit the authority of the judges and magistrates of the courts of record in the county to preside over hearings or issue orders for one another to promote efficiency and provide for timely resolution of cases.

Appointment of Special Judge.

- A. In the event a local judge is unavailable to accept reassignment of a case pursuant to this local rule, the case shall be returned to the Clerk for random reassignment from a list of full-time judicial officers from contiguous counties and counties within Administrative District 16 and senior judges.
- B. In the event no judge under this rule is available for appointment or the judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a special judge, the presiding judge may request the Indiana Supreme Court for such appointment.

Waiver of Jurisdiction. In the event the juvenile court waives jurisdiction under IC 31-30-3-2 to -6, the criminal case shall be assigned to a local judge who hears that case type.

(Amended effective April 1, 2020.)

LR32-AR15 Rule 2 Court Reporter Services.

A. Definitions.

1. The definitions set forth in Indiana Administrative Rule 15(B) apply to this local rule.
2. In addition, for purposes of this rule, an “expedited transcript” means
 - a. a transcript to be delivered within five (5) business days if the transcript is twenty (20) pages or less or
 - b. a transcript to be delivered within fifteen (15) business days if the transcript is more than twenty (20) pages.

B. Salaries and Per Page Fees.

1. Court reporters shall be paid for time spent working under the control, direction, and direct supervision of their supervising court during any regular hours, gap hours, or overtime hours. The supervising court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours worked, i.e. monetary compensation or compensatory time off regular hours. Nothing in this rule prevents the supervising court from requiring its court reporters to prepare county indigent transcripts or state indigent transcripts during regular hours in lieu of charging a transcript fee and/or per page fee. Nothing in this rule prevents the court from contracting with private entities to provide court reporting services.
2. The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be \$5.25. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
3. The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be \$5.25.
4. The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$5.25.
5. Court reporters may charge up to an additional \$1.00/page for expedited transcripts.
6. A minimum transcript fee of \$40.00 may be charged for any transcript.
7. Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of county indigent, state indigent, or private transcripts to the Indiana Supreme Court Office of Judicial Administration (OJA). The reporting shall be made on forms prescribed by the OJA.
8. Court reporters may charge an additional hourly labor charge for time spent binding the transcripts and copying the exhibits and binding the exhibits. This labor charge shall be equivalent to the court reporter’s hourly compensation rate.
9. Court reporters may charge as follows for supplies purchased with personal funds:
 - a. Paper \$0.05/sheet
 - b. Binders \$1.00/binder
 - c. Computer disk \$0.40/disk
 - d. Diskette pocket \$0.70/pocket
 - e. Diskette case \$1.20/case

C. Appellate Transcripts. Court reporters may charge up to an additional \$1.00/page for transcripts prepared in accordance with the Indiana Rules of Appellate Procedure.

D. Private Practice.

1. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space, and/or supplies; and the court agrees to the use of the court's equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
 - a. the reasonable market rate for the use of equipment, work space, and supplies;
 - b. the method by which records are to be kept for the use of equipment, work space, and supplies; and
 - c. the method by which the court reporter is to reimburse the court for the use of the equipment, work space, and supplies.
2. If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

(Amended effective April 1, 2020.)