

STATE OF INDIANA)
)
COUNTY OF HENDRICKS)

Notice of Proposed Local Rules

Pursuant to Indiana Rule of Trial Procedure 81(B), the Circuit and Superior Courts of Hendricks County (“Courts”) give notice to the bar and the public of the content of their proposed local rules:

		Proposed Effective Date
LR32-AR1 Rule 1	Plan for Allocation of Judicial Resources	1/1/25
LR32-AR1 Rule 2	Assignment of Criminal Cases	1/1/25

1. All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.
2. Comments should be sent to:

Catherine Haines
Court Administrator
chaines@co.hendricks.in.us
3. Comments by the bar and public will be received until September 13, 2024;
4. Proposals will be adopted, modified, or rejected by the Courts by September 25, 2024;
5. The effective date of the proposed local rule is listed above, subject to approval by the Indiana Supreme Court;
6. The text of the proposed local rule has been provided to the county clerk and to the Indiana Supreme Court Office of Judicial Administration (OJA) in digital format; and

7. The Courts shall also give notice to the officers of the Hendricks County Bar Association.

WHEREFORE, the Courts respectfully request that the county clerk post this notice and the attached, proposed amendments to the local rules in the county clerk's office and on the county clerk's website, if any. The Courts further request that the OJA post this proposal on its website for public inspection and comment.

Respectfully submitted,

s/Daniel Zielinski
Daniel F. Zielinski, Judge
Hendricks Circuit Court

s/Robert Freese
Robert W. Freese, Judge
Hendricks Superior Court No. 1

s/Rhett Stuard
Rhett M. Stuard, Judge
Hendricks Superior Court No. 2

s/Ryan Tanselle
Ryan W. Tanselle, Judge
Hendricks Superior Court No. 3

s/Mark A. Smith
Mark A. Smith, Judge
Hendricks Superior Court No. 4

s/Stephenie LeMay-Luken
Stephenie D. LeMay-Luken, Judge
Hendricks Superior Court No. 5

Date: August 1, 2024

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~~ LR32-AR1 Rule 2.

Juvenile Cases

- A. All JCs, JDs, JSs, ~~JPs~~, JMs, JTs, and JQs shall be filed in Hendricks Superior Court No. 3.
- B. All JPs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, and Hendricks Superior Court No. 4 on an even and random basis.
- C. JPs 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.
- D. In the event the judge of Hendricks Superior Court No. 3 enters an order of disqualification or recusal on a pending JC, JD, JS, ~~JP~~, JM, JT, or JQ, that case shall be transferred to another local judge.

Remaining Civil Cases

- A. Civil Plenary. PLs shall be filed in ~~Hendricks Circuit Court~~ Hendricks Superior Court No. 1 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 Circuit Court and 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, Hendricks Superior Court No. 4, 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 Circuit Court, Hendricks Superior Court No. 1, ~~and~~ 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.
 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 Circuit Court, Hendricks Superior Court No. 1, ~~and~~ Hendricks Superior Court No. 2, Hendricks Superior Court No. 3, or Hendricks Superior Court No. 4.
- E. Miscellaneous. ~~All~~ MIs shall be filed in Hendricks Superior Court No. 1 and Hendricks Superior Court No. 5, subject to the case type limits set forth in Appendix A. All MIs filed under IC 9-30-16-4 shall be filed in Hendricks Superior Court No. 5. All cases filed as an MI for replacement of a lost vehicle title shall also 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, ~~and~~ Hendricks Superior Court No. 3, and Hendricks Superior Court No. 5, subject to the case type limits set forth in Appendix A. ~~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 Hendricks Superior Court No. 3.

- H. Probate
1. Except as set forth below, all ADs, ESs, EUs, EMs, GMs, GUs, and TRs be filed in ~~Hendricks Superior Court No. 1~~ Hendricks Superior Court No. 2.
 2. GUs and GMs 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 Claim. SCs shall be filed in Hendricks Superior Court No. 1, ~~Hendricks Superior Court No. 2,~~ Hendricks Superior Court No. 3, ~~and~~ Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
- J. Eviction. All EVs shall be filed in Hendricks Superior Court No. 1, Hendricks Superior Court No. 3, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
- K. Reciprocal Support
1. All RSs shall be filed in Hendricks Superior Court No. 3.
 2. In the event the judge of Hendricks Superior Court No. 3 enters an order of disqualification or recusal on a pending RS, that case shall be transferred to another local judge.
- L. 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.
- M. Mental Health. All MHs shall be filed in ~~Hendricks Superior Court No. 1~~ Hendricks Superior Court No. 2.
- N. Expungement. ~~All expungements shall be assigned in the same manner as criminal cases are filed in these courts.~~ Expungements shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
- O. Red Flag. RFs shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
- P. 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.

(Amended effective 1/1/25)

	C01	D01	D02	D03	D04	D05
CC	746				746	746
CT	80	160				
DC	70	117	35	70	70	
DN	70	50	126	50	50	
EV		1/4 (350)		1/4 (350)	1/4 (350)	1/4 (350)
JC/JD/JS/JM/JT/JQ				All		
JP		44	44	44	44	
MF			All			
MH/AD/ES/EU/EM/GM/GU/TR			All			
MI		225				100
PL		75			75	
PO		1/6 (107)	1/3 (214)	1/3 (214)		1/6 (107)
RS				All		
SC		1/4 (269)		1/4 (269)	1/4 (269)	1/4 (269)
TP/TS	All					

(Amended effective 1/1/25)

~~LR32-CR2.2 Rule 1~~ LR32-AR1 Rule 2

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~~ below by the date on which the offense alleged in the charging document (including grand jury indictments) occurred:

	MR-F5	F6
Week 1	Hendricks Circuit Court	Hendricks Circuit Court
Week 2	Hendricks Superior Court No. 4	Hendricks Superior Court No. 2
Week 3	Hendricks Superior Court No. 5	Hendricks Superior Court No. 5
Week 4	Hendricks Superior Court No. 4	Hendricks Superior Court No. 3

	CM
Week 1	Hendricks Circuit Court
Week 2	Hendricks Superior Court No. 1
Week 3	Hendricks Superior Court No. 2
Week 4	Hendricks Superior Court No. 3
Week 5	Hendricks Superior Court No. 5

- ~~2. During Week 2, all criminal case types except F6s and CMs shall be assigned to Hendricks Superior Court No. 4.~~
- ~~3. During Week 3, all CMs shall be assigned to Hendricks Superior Court No. 2.~~

4. 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)
 5. 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.
 6. The week beginning 12:01 a.m. on Friday, ~~December 29, 2023~~ December 27, 2024 shall be deemed ~~Week 5~~ Week 1.
- 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 that issued the order that the defendant allegedly violated by committing escape.
- 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 below ~~as defined in this rule~~:

	MC
Week 1	Hendricks Circuit Court
Week 2	Hendricks Superior Court No. 1
Week 3	Hendricks Superior Court No. 2
Week 4	Hendricks Superior Court No. 3
Week 5	Hendricks Superior Court No. 5
Week 6	Hendricks Superior Court No. 4

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. ~~Red Flag. All RFs shall be assigned according to the weekly rotation as defined in this rule.~~ RFs shall be filed in Hendricks Circuit Court, Hendricks Superior Court No. 2, Hendricks Superior Court No. 4, and Hendricks Superior Court No. 5 on an even and random basis.
- G. **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 IFs issued by the Avon Police Department shall be assigned to Brownsburg Town Court.
 - c. 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 OVs issued by the Town of Avon shall be assigned to Brownsburg Town Court.
 4. All other OVs shall be assigned to the appropriate Town Court.
- H. **Town Courts**
1. Brownsburg Town Court
 - a. 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 Juvenile Jurisdiction

- A. All cases involving an individual who was at least 16 years of age at the time of the alleged violation and who is charged with one of several felony offenses listed under IC 31-30-1-4 (direct files) shall be assigned to Hendricks Superior Court No. 5.
- B. In the event the juvenile court waives jurisdiction under IC 31-30-3-2 to -6, the adult criminal case shall be assigned to Hendricks Superior Court No. 5.

(Amended effective 1/1/25)