

**STATE OF INDIANA – COUNTY OF KOSCIUSKO
IN THE KOSCIUSKO CIRCUIT AND SUPERIOR
COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court
Rule(s) May 3, 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Kosciusko Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on LR43-AR1E-1 and LR43-AR1E-2 for the courts of record of Kosciusko County, effective January 1, 2025.

All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning LR43-AR1E-1 and LR43-AR1E-2 and will not take effect until approved by the Supreme Court.

Notice has been given to the public by posting on the website of the Kosciusko County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Kosciusko County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Kosciusko County, 121 N. Lake Street, Warsaw, Indiana 46580-2785 during normal business hours.

The time period for the bar and the public to comment shall begin on June 6, 2024, and shall close on July 6, 2024. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2024, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2024.

Comments by the bar and the public should be made in writing to:

Hon. Karin McGrath, Judge of the Kosciusko Superior Court 1, Attn: Public Comment on Local Rules, Kosciusko County Courthouse, 121 N. Lake Street, Warsaw, Indiana 46580-2785, or kmcgrath@kcgov.com.

DATED this 3rd day of May, 2024 on behalf of the Judges of Kosciusko County.

_____/S/_____
Karin McGrath, Judge
Kosciusko Superior Court 1

LR43-AR1E-1

Civil Case Assignment

- (1) MH, TS, and TP cases shall be filed in the Kosciusko Circuit Court.
- (2) JC, JD, JS, JM, JQ and JT cases shall be filed in the Kosciusko Superior Court No. 1. JP cases shall be filed in the Kosciusko Superior Court No. 4.
- (3) PL and CT cases shall be filed ~~F~~fifty percent (50%) in the Kosciusko Circuit Court and ~~F~~fifty percent (50%) in the Kosciusko Superior Court No. 4, on an alternating basis, and any such matters on the active docket of the Kosciusko Superior Court No. 1 as of ~~July 1, 2019~~ January 1, 2025 and thereafter are transferred to the active docket of the Kosciusko Superior Court No. 4. ~~as of that date.~~
- (4) Seventy-five percent (75%) of MI cases shall be filed in the Kosciusko Superior Court No. 3 and ~~T~~twenty-five percent (25%) shall be filed in either the Kosciusko Circuit Court or the Kosciusko Superior Court No. 1, on an alternating basis.
- (5) IF cases shall be filed in the Kosciusko Superior Court No. 3.
- (6) OV, OE, PO (except PO cases where a JP, DC or DN case is in existence involving the same parties, which shall then be filed in the court having the JP, DC or DN case), EV and SC cases shall be filed in Kosciusko Superior Court No. 3.
- (7) Sixty percent (60%) of DC and ~~N~~ninety percent (90%) of DN cases shall be filed in the Kosciusko Superior Court No. 4, ~~and any such matters on the active docket of the Kosciusko Circuit Court, the Superior Court No. 2, and the Superior Court No. 3 as of July 1, 2019, are transferred to the active docket of the Kosciusko Superior Court No. 4 as of that date.~~
- (8) Ten percent (10%) of DN and ~~F~~forty percent (40%) of DC cases shall be filed in the ~~Kosciusko Superior Court No. 1~~ Kosciusko Circuit Court.
- (9) CC cases shall be filed in the Kosciusko Superior Court No. 4, and any such matters on the active docket of the Kosciusko Superior Court No. 2 and the Kosciusko Superior Court No. 3 as of ~~July 1, 2019~~ January 1, 2025 and thereafter are transferred to the active docket of the Kosciusko Superior Court No. 4. ~~as of that date.~~
- (10) ES, EM, EU and TR cases and matters not otherwise described herein, shall be filed ~~F~~fifty percent (50%) in the Kosciusko Circuit Court and ~~F~~fifty percent (50%) in the Kosciusko Superior Court No. 1.
- (11) AD cases shall be filed ~~T~~thirty-~~T~~three percent (33%) in the Kosciusko Circuit Court and ~~S~~sixty-~~S~~seven percent (67%) in the Kosciusko Superior Court No. 1.
- (12) GU and GM cases shall be filed ~~T~~twenty percent (20%) in the Kosciusko Circuit Court and ~~E~~eighty percent (80%) in the Kosciusko Superior Court No. 1.

- (13) MF cases shall be filed ~~F~~fifty percent (50%) in the Kosciusko Superior Court No. 4 and ~~F~~fifty percent (50%) in the Kosciusko Superior Court No. 3, on an alternating basis, and any such matters on the active docket of the Kosciusko Circuit Court as of ~~July 1, 2019~~ January 1, 2025 and thereafter are transferred to the active docket of the Kosciusko Superior Court No. 4. ~~as of that date.~~
- (14) XP cases may be filed in any court.
- (15) RS cases shall be filed ~~F~~fifty percent (50%) in the Kosciusko Superior Court No. 1 and ~~F~~fifty percent (50%) in the Kosciusko Superior Court No. 4, and any such matters on the active docket of the Kosciusko Circuit Court as of ~~July 1, 2019~~ January 1, 2025 and thereafter are transferred to the active docket of the Kosciusko Superior Court No. 4. ~~as of that date.~~
- (16) RF cases shall be filed fifty percent (50%) in the Kosciusko Superior Court No. 3 and fifty percent (50%) in the Kosciusko Superior Court No. 2.
- ~~(16)~~(17) All civil cases shall be filed in a random manner and in the percentages as provided by these rules. The Judges of the Kosciusko Circuit Court and the Kosciusko Superior Courts shall periodically review the filing patterns of civil cases and the Judges of such Courts reserve the right to transfer cases in the event of a disproportionate distribution of cases in order to balance the caseload and to expedite dispositions of all pending civil cases.

(1) — All D and C Felonies

~~Thirty percent (30%) of D felonies shall be filed in the Kosciusko Circuit Court and should include cases filed under Title 35, Article 48 (Controlled Substances)~~

~~Twenty percent (20%) of D felonies shall be filed in the Kosciusko Superior Court No. 1.~~

~~Ten percent (10%) of D felonies shall be filed in the Kosciusko Superior Court No. 2~~

~~Forty percent (40%) of D felonies shall be filed in the Kosciusko Superior Court No. 3 and should include cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.~~

~~Fifty percent (50%) of C felonies shall be filed in the Kosciusko Circuit Court and should include cases filed under Title 35, Article 48 (Controlled Substances).~~

~~Thirty percent (30%) of C felonies shall be filed in the Kosciusko Superior Court No. 1.~~

~~Twenty percent (20%) of C felonies shall be filed in the Kosciusko Superior Court No. 3 and should include cases filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.~~

(2) — All F6, F5, F4 Felonies

~~Twenty percent (20%) of F6 and F5 felonies and Fifty percent (50%) of F4 felonies shall be filed in the Kosciusko Circuit Court and should include cases filed under Title 35, Article 48 (Controlled Substances).~~

~~Twenty percent (20%) of all F4 felonies and Twenty percent (20%) of all F5 and Twenty percent (20%) of F6 felonies shall be filed in the Kosciusko Superior Court No. 1.~~

~~Twenty percent (20%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 2.~~

Thirty percent (30%) of all F4 felonies and Forty percent (40%) of all F5 and F6 felonies shall be filed in the Kosciusko Superior Court No. 3 and should include any cases involving felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7.

~~(3)~~ **Felonies under Title 35-42-1 (Homicide) cases**

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) shall be filed in the Kosciusko Circuit Court.

(1) Felonies Under Title 35-42-1 (Homicide)

All felonies filed under Title 35, Article 42, Chapter 1 (Homicide) shall be filed in the Kosciusko Circuit Court.

(2) Felonies Under Title 35, Article 48 (Controlled Substances)

All felonies filed under Title 35, Article 48 (Controlled Substances) shall be filed on an alternating basis in the Kosciusko Circuit Court and the Kosciusko Superior Court No. 1.

(3) Felonies Under Title 9 (Traffic) and I.C. 35-46-1-5 through 35-46-1-7 (Non-Support)

All felonies filed under Title 9 (Traffic) and I.C. 35-46-1-5 through and including I.C. 35-46-1-7 (Non-Support) shall be filed in the Kosciusko Superior Court No. 3.

(4) All other Felony cases Other F1, F2, F3 and F4 Felony Cases

All other F1, F2, F3 and F4 felonies shall be assigned filed on an alternating basis to the Kosciusko Circuit Court and the Kosciusko Superior Court No. 1.

(5) All Other F5 and F6 Felony Cases

Sixty percent (60%) shall be filed in the Kosciusko Superior Court No. 3; twenty percent (20%) shall be filed in the Kosciusko Superior Court No. 2; twenty percent (20%) shall be filed in the Kosciusko Superior Court No. 1.

(6) All Misdemeanor eCases

All misdemeanors shall be assigned to the Kosciusko Superior Court No. 2.

~~(6)~~(7) ~~All I.C. 31-6-4 Juvenile cases~~ **All Juvenile Delinquent Cases**

All cases filed under Title 31, Article 6, Chapter 4 (Juvenile) of the Indiana Code 37 (Juvenile Law: Delinquency) shall be initially assigned to Kosciusko Superior Court No. 1. In the event a child is waived into adult court, the case shall be reassigned to the appropriate court in accordance with the proceeding provisions of this rule.

~~(7)~~(8) **Combination of Felony and Misdemeanor eCases**

In the event the case charges both felony and misdemeanor offenses, the case shall be considered a felony for the application of this rule.

~~(8)~~(9) **Post-Conviction Relief Cases**

PC cases shall be filed in the court in which the related criminal case was filed.