

In the
Indiana Supreme Court

In the Matter of the Approval of Local Rule
for Allen County

Supreme Court Case No.
22S-MS-244



Order Approving Amended Local Rule

The Judges of the Allen Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Indiana Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Allen Circuit and Superior Courts, this Court finds that the proposed rule amendment at LR02-AR1E-1 complies with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR02-AR1E-1, for Allen Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective July 15, 2022.

Done at Indianapolis, Indiana, on 7/14/2022.

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

Loretta H. Rush
Chief Justice of Indiana

(A) Domestic Relations (DC/DN) cases with self-represented litigants

New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.

(B) Mortgage Foreclosures (MF)

- (1) 10% shall be filed in Circuit Court, and
- (2) 90% shall be filed in Superior Court 3.

(C) Civil Collections (CC)

Civil Collection (CC) cases shall be assigned in the proportion of 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3, and Superior 9).

(D) Criminal Cases

- (1) All MR, F1, F2, F3, F4, F5, F6, PC, OV and IF cases except as provided in (D)(3) herein below, shall be divided evenly among Superior 4, Superior 5 and Superior 6.
- (2) All CM cases shall be divided as follows: 40% in Superior 4, 30% in Superior 5 and 30% in Superior 6.
- (3) All Criminal cases filed by information, charging an offense of:
 - (a) Operating a Motor Vehicle with Lifetime Suspension, a Level 5 Felony, I.C. 35-30-10-17.
 - (b) Operating While Intoxicated, a Level 6 Felony, I.C. 9-30-5-3.
 - (c) Operating Vehicle as Habitual Traffic Violator, a Level 6 Felony, I.C. 9-30-10-16.
 - (d) Criminal Non-support of Dependents, a Level 6 Felony, I.C. 35-46-1-5 through I.C. 35-46-1-6shall be filed in the Allen Circuit Court.
- (4) All MC cases shall be filed in Superior Court and shall be divided equally among Superior 4, Superior 5, and Superior 6.

(E) Other Civil Cases

- (1) All Small Claims (SC) cases shall be filed in Superior Court and shall be divided as follows: 33% assigned to Superior Court 9 with the remainder divided equally between Courts 1, 2 and 3.
- (2) Civil plenary (PL) cases may be filed in Circuit Court or Superior Court. All Superior Court PL cases shall be divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.
- (3) All mental health (MH) cases shall be filed in Superior Court 1.
- (4) All Protective Order (PO) cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.
- (5) All Estate supervised/unsupervised (ES and EU) cases shall be filed in Superior Court 2.
- (6) All Estate miscellaneous (EM), Guardianship (GU), Guardianship Miscellaneous (GM) and Trust (TR) cases shall be filed in Superior Court 3.
- (7) All Eviction (EV) cases shall be filed in Superior Court and shall be divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.

(F) Civil Tort (CT)

100% of civil tort claims (CT) will be filed in the Superior Court, divided evenly among Superior 1, Superior 2, Superior 3, and Superior 9.

(G) Civil Miscellaneous (MI), Property Tax (TS/TP) and Expungement (XP)

Property tax cases, property forfeiture cases, expungement cases originating in Circuit Court and name change cases shall be filed in Circuit Court. For civil miscellaneous (MI) cases, all Specialized Driving Privileges shall be filed in Superior Court 9, structured settlements shall be filed in Superior Court 2, and custody/visitation petitions filed by grandparents or other third parties shall be filed in Superior Court 8. All other civil miscellaneous (MI) cases shall be filed in Superior Court, Civil Division and divided among Superior 1, 2, 3, and 9. Expungement (XP) filings originating in Superior Court shall be divided equally among Superior 4, 5, and 6.

(H) Juvenile Cases

(1) All juvenile CHINS (JC), juvenile termination (JT), and adoptions (AD) shall be filed in Superior Court 8, and juvenile delinquency (JD) and juvenile status (JS) shall be filed in Superior Court 7. Juvenile miscellaneous (JM) cases shall be filed in Superior Court 7 or 8.

(2) Juvenile Paternity (JP) cases may be filed in Circuit Court or Superior Court. All JP cases filed in Superior Court shall be assigned to Superior Court 7.

(I) Other Family Cases

(1) Domestic relations (DC/DN) may be filed in Circuit Court or Superior Court.

(2) Of the DC/DN cases filed in Superior Court 100% shall be filed in Superior 8.

(3) All Reciprocal support (RS) cases shall be filed in Superior Court 7.