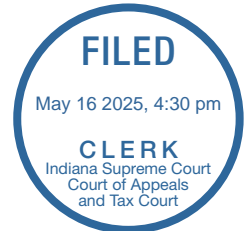


In the Indiana Supreme Court

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

Supreme Court Case No.
25S-MS-122



Order Approving Amended Local Rule

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

Upon examination of the proposed rule amendments requested by the Bartholomew Circuit and Superior Courts, this Court finds that the proposed amendments to LR03-AR1-1 comply with the requirements of Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule, LR03-AR1-1, for the Bartholomew Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective July 1, 2025.

Done at Indianapolis, Indiana, on 5/16/2025 .

A handwritten signature in black ink, appearing to read "Loretta H. Rush", written over a horizontal line.

Loretta H. Rush
Chief Justice of Indiana

LR03-AR1-1: Caseload Plan.

(A) General Rules for Assignment of Criminal Cases.

- (1) Superior Court 2. The following types of cases shall be docketed with Superior Court 2:
 - (a) All class D, C, B, and Level 6, 5, 4, and 3 felonies related to driving offenses;
 - (b) All classes of misdemeanors; and
 - (c) All classes of infractions.
- (2) Circuit and Superior Court 1. The clerk shall docket the following with the Circuit Court and Superior Court 1 in an equal and rotating basis:
 - (a) All Class A-D and Level 1-6 felonies, except those specifically denoted to be filed otherwise in sections (A)(1) and (A)(3); and all murder, including capital offenses.
- (3) Domestic Violence Cases. All Class D and Level 6 felony Domestic Battery, Strangulation, Confinement, and Intimidation cases shall be filed in Circuit Court, Superior Court 1, and Superior Court 2 in an equal and rotating basis.
- (4) Seizure of Firearms cases (RF), shall be filed between the Bartholomew County Courts on an equal and rotating basis.
- (5) Defendants with Multiple Actions. Notwithstanding all other provisions of this Rule:
 - (a) When a defendant has a criminal case pending against them in Circuit or Superior Court 1, during the pendency of that case, all subsequent criminal actions filed against that defendant shall be assigned to the court where the initial case was assigned.
 - (b) When a defendant has a criminal case or cases pending in Superior Court 2, all subsequent criminal actions for misdemeanors and Level 6 felony cases shall be assigned to Superior Court 2 during the pendency of that case or cases.
 - (c) For purposes of this section, a case is no longer pending once sentencing has taken place. However, if a Petition to Revoke probation is filed on a defendant, the criminal case is again

considered pending and any subsequent new criminal charge shall follow the above guidelines until disposition of the Petition to Revoke probation.

- (6) Co- Defendants. When two or more defendants are charged with felonies as the result of the same underlying set of facts, they shall all be charged in the same court.
- (7) Charges Alleging violation of Protective Order. When a defendant is charged with violation of a Protective Order, those charges shall be filed in the court where the protective order was issued.
- (8) Prosecutor's Knowledge of Potential Conflict. In the event the prosecutor has knowledge prior to the filing of a case that a judge should not receive a case because of a conflict, or for some other reason, the prosecutor may request the filing of a case in a specific court by making specific allegations in a written request filed at the time of filing said case. The judge of the Court in which the prosecutor seeks to file said case may approve this request.
- (9) The above rules for the assignment of criminal cases may not be manually overridden by anyone without written permission from one of the Bartholomew County Judges.
- (10) When the clerk docket criminal cases according to these rules, they shall docket each case according to the highest level of offense charged without taking into consideration the count number when there are multiple counts filed under a single criminal case. In addition, judges of two different courts may mutually agree to transfer a criminal case from one of their courts to the other in order to ensure that the intent of these rules for assignment of criminal cases is not circumvented by the manner in which offenses are charged.

(B) Transfer of Criminal Cases. See LR03-AR21-1.

(C) Civil Case Filings.

- (1) Infraction cases (except for juvenile non-driving infractions) shall be filed in Superior Court 2.
- (2) Ordinance Violation cases shall be filed in Superior Court 2.
- (3) Juvenile Chins, Delinquents, Status, Termination, Miscellaneous, Juvenile Infractions (non-driving infractions), and Juvenile Ordinance Violation cases shall be filed in Circuit Court.

- (4) Civil Plenary, Reciprocal, Adoption, Estates, Guardianships, Trusts, CE and RA case types, and Miscellaneous Civil cases shall be filed between the Bartholomew County Courts on an equal and rotating basis, except that all MI cases filed by a governmental entity shall be filed in Circuit Court.
- (5) Civil Tort, Paternity, and Domestic Relations, including Grandparent Visitation cases, shall be filed between the three Bartholomew County Courts on an equal and rotating basis.
 - (a) This assignment rate applies unless there has been a protective order case involving the parties in another Bartholomew County Court. If a protective order has been filed in a Bartholomew County Court case involving two parties, any future DC, DN or JP case involving the same two parties shall be filed in the same Bartholomew County Court.
 - (b) Under Circuit Court's assignment only, Paternity and Domestic Relations cases shall be assigned as follows: Two-Thirds (2/3) of the cases shall be assigned to the Circuit Court Judge and one-third (1/3) of the cases to the Circuit Court Commissioner, on a rotating basis.
- (6) Mortgage Foreclosure cases shall be filed in Circuit or Superior 1 on an equal and rotating basis.
- (7) Civil Collection cases filed by a governmental entity shall be filed in Circuit. All other Civil Collection cases shall be filed on the following rotating percentage basis: Circuit Court, 15%, Superior Court 1, 35%, Superior Court 2, 50%.
- (8) Small Claim cases shall be filed in Superior Court 2.
- (9) Mental Health cases shall be filed in Superior Court 1.
- (10) Protective Order cases shall be filed between Superior Court 1, Circuit and Superior Court 2 Courts on an equal and rotating basis.
 - (a) This assignment rate applies unless there is a DC or JP case involving the parties in another Bartholomew County Court. If there is a DC or JP case involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the other DC or JP is filed, even if there is nothing pending in the DC or JP case.

- (b) This assignment rate also applies unless there is a DN case where a dissolution decree has not been entered involving the parties in another Bartholomew County Court. If there is a DN case where a dissolution decree has not been entered involving the parties in another Bartholomew County Court, then the protective order case shall be filed in the court where the DN case is filed.
 - (c) If a protective order has been filed in a Bartholomew County Court case involving two parties, any future protective order case involving the same two parties shall be filed in the same Bartholomew County Court.
 - (d) All protective order cases where the respondent is a juvenile shall be filed in Circuit Court.
 - (11) Specialized Driving Privilege MI cases shall be filed in Superior Court 2 unless statutorily required to be filed in Superior Court 1 or Circuit Court.
 - (12) Eviction cases (EV), whether filed as a small claims or civil matter, shall be filed in Superior Court 2.
 - (13) Seizure of Firearms cases (RF), shall be filed between the Bartholomew County Courts on an equal and rotating basis.
 - (14) The above rules for the assignment of civil cases may not be manually overridden by anyone without written permission from one of the Bartholomew County Judges.
 - (15) In the event of a conflict for Circuit Court, Superior Court 1 or Superior Court 2, the reassignment of the case shall follow the process outlined in LR03-TR76-1.
- (D)** Notwithstanding the rules established in the Caseload Plan in LR03-AR1-1 Rule 1, if there are causes that contain a similar set of facts and/or similar parties, the judicial officers assigned the causes can, by mutually agreement, order the Clerk of Courts to transfer and/or assign the causes to one judicial officer for purposes of judicial economy. In general, the causes should be transferred and/or assigned to the judicial officer who was assigned the first cause that contains the similar set of facts and/or similar parties, unless agreed otherwise by the judicial officers assigned the causes.