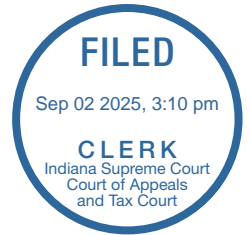


In the Indiana Supreme Court



In the Matter of the Marion County
Expedited Mental Health Appeals Pilot
Project

Supreme Court Case No. 25S-MS-204

Order Modifying the Marion County Expedited Mental Health Appeals Pilot Project

On July 16, 2024, this Court issued an order establishing the Marion County Expedited Mental Health Appeals Pilot Project. The purpose of this two-year pilot project is to utilize innovative technology to overcome the challenges associated with the timelines of temporary mental health commitments and appeals of such cases. Thus far, the pilot has been very successful.

Exhibit A to the July 16 order set forth the Expedited Appeals Pilot Parameters for the pilot project. Following feedback from stakeholders involved in this project, including counsel for mental health care providers, and representatives from the Court of Appeals of Indiana, Marion County Judiciary, the Marion County Public Defender Agency, the Office of the Attorney General, and the Office of Judicial Administration, this Court finds that certain parameters need to be amended.

Accordingly, the parameters under which the Marion County Expedited Mental Health Appeals Pilot Projects shall proceed are hereby amended as set forth in Exhibit A to this order (deletions show by ~~strikethrough~~ and new text shown by underlining). Cases initiated under this pilot project on or after October 1, 2025, shall proceed under the amended parameters.

Done at Indianapolis, Indiana, on 9/2/2025.

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Exhibit A

Expedited Appeals Pilot Parameters

Participation

- Only appeals of involuntary temporary commitment cases originating pursuant to Indiana Code chapter 12-26-6 and litigated in Marion County are to be included in the pilot.
- Only respondent-appellants represented on appeal by the Marion County Public Defender Agency may participate in the pilot.
- Cases will be automatically assigned to the expedited appeals process upon filing the Notice of Expedited Appeal. Parties may subsequently seek leave from the appellate court to opt-out—or the appellate court may remove the case from expedited processing *sua sponte*—only for good cause, which may include:
 - After investigation, either party determines the issue(s) on appeal goes beyond sufficiency of the evidence;
 - Either or both parties are unable to obtain an adequate interim transcript of the commitment proceeding and must seek a traditional transcript from the Court Reporter;
 - The respondent-appellant is no longer represented by MCPDA;
 - The appeal is belatedly filed; or
 - ~~○ The appellant respondent seeks leave to file a reply brief; and/or~~
 - The brief exceeds the word limits of the pilot.

Appeal Filings

- Respondent-appellant shall file a Notice of Expedited Appeal no later than five days after entry of the temporary commitment order on the CCS.
- Shortly after the hearing all parties will be able to access ~~to~~ the interim transcript/recording of the commitment proceeding through www.indy.gov/activity/order-a-court-transcript.
- The trial court clerk shall file the Notice of Completion of the Clerk's Record no later than five days after the filing of the Notice of Expedited Appeal. The Notice should be accompanied by a separate PDF voice to text version of the hearing, which includes a link to the recording of the hearing.
- Parties will brief on abbreviated, ~~overlapping~~ timelines.
 - Appellant shall file a brief **no later than ten days** after service of the Notice of Completion of the Clerk's Record.
 - Appellee shall file a brief **no later than five days** after service of the Appellant's brief.
 - Reply briefs shall not be permitted unless (1) Appellant files a notice of intent to file a reply brief within one day of service of the Appellee's brief, and (2) the Appellant files the reply brief within three days of service of the Appellee's brief.
 - ~~○ Reply briefs shall not be filed without leave of the court and may subject the case to being removed from the expedited process. Motion for leave~~

~~to file the reply brief and tendered reply brief must be filed within three days of service of the Appellee's brief.~~

- Briefs will be limited to essential components only and limited in word count.
 - **Brief of Appellant:** Shall include only the Statement of the Issue [which should be limited to sufficiency of the evidence], a Statement of Facts, Argument, an Appealed Order. Tables of Contents and Authorities should not be included. It shall be limited to 4,200 words or ten pages.
 - **Brief of Appellee:** Shall include the Argument. It shall include a Statement of the Issues and Statement of Facts only to the extent necessary to support issues and argument distinct from those identified in the brief of appellant. Tables of Contents and Authorities should not be included. It shall be limited to 4,200 words or ten pages.
 - ~~Motions for Leave to File Reply Brief and Reply Brief: The motion may not exceed 300 words and a~~ reply brief shall ~~may~~ not exceed 1,000 words.
 - Citations shall refer to ~~both the timestamp and~~ the specific page in the PDF transcript.
 - Any appendices shall be filed on or before the date on which the party's brief is filed.
- Extensions of no longer than three days for extraordinary causes may be granted by the court on appeal. The court on appeal retains the discretion to remove the appeal from the expedited appeal pilot if either party requests an extension of time. The court on appeal shall make its rulings expeditiously.
- ~~No petitions for rehearing are permitted.~~ Petitions for Rehearing shall be filed no later than two days after the Court of Appeals issues its initial opinion.
- Filings before the Supreme Court:
 - Petitions to transfer shall be filed: (1) no later than ten days after the adverse decision if rehearing was not sought; or (2) if rehearing was sought, no later than five days after the Court of Appeals' disposition of the Petition for Rehearing. ~~Petitions to Transfer must be filed no later than ten days after the Court of Appeals issues its opinion.~~
 - Briefs in Response to Transfer must be filed **no later than five days** after the filing of the Petition to Transfer.
 - Petitions and Response Briefs shall include only the Question Presented on Transfer and Argument and not exceed 1,500 words or five pages.
 - No reply brief shall be permitted.

Case Processing

- Briefs in expedited appeals shall be exempted from the notice of defect process.
- Certification:
 - The Clerk shall certify the Court of Appeals opinion or memorandum decision fourteen days after it is handed down unless a timely Petition to Transfer has been filed.
 - The Clerk shall certify any opinion of the Supreme Court immediately upon issuance.

- The Clerk shall transfer the case to the Supreme Court immediately upon the filing of the Petition to Transfer.