

In the Indiana Supreme Court

State of Indiana ex rel. Norma Loreno
Campos-Frutos,

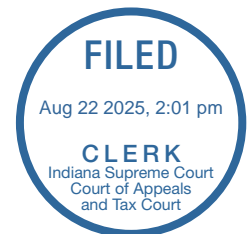
Relator,

v.

Cass Circuit Court, et al.,
Respondents.

Supreme Court Case No.
25S-OR-181

Trial Court Case No.
09C01-2309-DC-131



Published Order

The relator, by counsel, files a petition for writ of mandamus seeking relief under the Rules of Procedure for Original Actions. Relator seeks a writ ordering the trial court to grant her request for change of judge under Trial Rule 76(B). No response brief was filed.


Trial Rule 76(B) provides in relevant part that “[a]fter a final decree is entered in a dissolution of marriage case or paternity case, a party may take only one change of judge in connection with petitions to modify that decree, regardless of the number of times new petitions are filed.” Here, the petitioner in the trial court (“Husband”) filed a motion to modify child support on June 10, 2025, and Relator filed her motion for change of judge—the first filed in connection with a petition to modify—later that day. The trial court denied that motion and denied Relator’s motion to correct error, citing Trial Rule 63(A). That rule provides in relevant part that “[t]he judge who presides at the trial of a cause or a hearing at which evidence is received shall, if available, hear motions and make all decisions and rulings required to be made by the court relating to the evidence” after the hearing or trial is concluded.

But nothing in the language of Rule 63(A)—or the decisions applying it—suggests that it supersedes the automatic change of judge available under Trial Rule 76(B). In *In re Paternity of V.A.*, 10 N.E.3d 61, 65 (Ind. Ct. App. 2014), the Court of Appeals explained that Trial Rules 63(A) and 76(B) “do not conflict; rather, they govern different aspects of [the] case[.]” There, the father’s change-of-judge motion under Trial Rule 76(B) applied prospectively to allow the special judge to hear his modification petition, while Trial Rule 63(A) operated retroactively to ensure that the issues considered on remand from the Court of Appeals were “considered by the judge who heard the evidence.” *Id.* The same result should follow here. And because the respondents did not file a response brief, we need not undertake the burden of developing arguments on their behalf; instead, our review is for prima facie error, which Relator has established in her petition and supporting brief. See *Front Row Motors, LLC v. Jones*, 5 N.E.3d 753, 758 (Ind. 2014).

Being duly advised, the Court GRANTS Relator’s requested writ. This case is remanded with instructions to (1) grant Relator’s request for change of judge under Trial Rule 76(B); and

(2) follow the procedures for appointment of a special judge to hear arguments on Husband's motion to modify child support. Petitions for rehearing or motions to reconsider are not allowed. Orig. Act. R. 5(C).

Done at Indianapolis, Indiana, on 8/22/2025.

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

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.