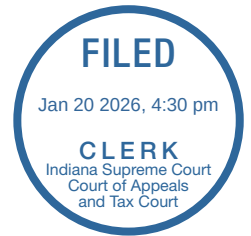


In the Indiana Supreme Court

Cause No. 26S-MS-8



Order Amending Rules of Post-Conviction Remedies

The Court directed the Committee on Rules of Practice and Procedure to review the Rules of Post-Conviction Remedies to address a gap between the rules and Indiana Code section 33-40-1-2(a). The Rules Committee has reviewed the Rules of Post-Conviction Remedies and proposed an amendment to require trial courts to order a copy of a petition for post-conviction relief sent to the State Public Defender when the petitioner has been found indigent, has requested representation, and is confined in any penal facility in Indiana.

The Court has considered the proposed amendment. Under this Court's authority to establish procedures and supervise the administration of all courts in the state, PCR Rules 1(2) and 1(9) are amended as set forth in Exhibit A to this order (deletions shown by ~~strikethrough~~ and new text shown by underlining).

These amendments are effective February 2, 2026.

Done at Indianapolis, Indiana, on 1/20/2026.

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

Loretta H. Rush
Chief Justice of Indiana

Exhibit A

Rules of Post-Conviction Remedies

Rule PC 1. Post-Conviction Relief

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Section 2. Filing.

A person who claims relief under this Rule or who otherwise challenges the validity of a conviction or sentence must file a verified petition with the clerk of the court in which the conviction took place, except that a person who claims that the person's parole has been unlawfully revoked must file a verified petition with the clerk of the court in the county in which the person is incarcerated. Three ~~(3)~~ copies of the verified petition must be filed and no deposit or filing fee shall be required.

The Clerk ~~must~~ file the petition upon its receipt and deliver a copy to the prosecuting attorney of that judicial circuit. In capital cases, the clerk ~~must~~, in addition to delivering a copy of the petition to the prosecuting attorney, immediately deliver a copy of the petition to the Attorney General. If an affidavit of indigency is attached to the petition, the clerk ~~must~~ call this to the attention of the court. If the court finds that the petitioner is indigent, it ~~must~~ allow petitioner to proceed *in forma pauperis*. If the court finds the indigent petitioner is ~~confined incarcerated~~ in a penal facility in Indiana or committed to the Indiana Department of Correction, and has requested representation, it ~~must~~ order a copy of the petition sent to the Public Defender's office.

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Section 9. Counsel.

(a) Upon receiving a copy of the petition, including an affidavit of indigency, from the clerk of the court, the Public Defender may represent any petitioner confined in a penal facility in Indiana or committed to the Indiana Department of Correction in all proceedings under this Rule, including appeal, if the Public Defender determines the proceedings are meritorious and in the interests of justice. The Public Defender may refuse representation in any case where the conviction or sentence being challenged has no present penal consequences. Petitioner retains the right to employ ~~his own~~ counsel or to proceed pro se, but the court is not required to appoint counsel for a petitioner other than the Public Defender.

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