

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF LOCAL RULES)
)
FOR POSEY COUNTY)

Case No. 65S00-1510-MS-635

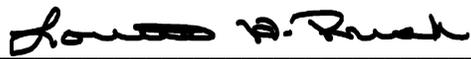
ORDER APPROVING AMENDED LOCAL RULES

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

Upon examination of the proposed rule amendments requested by the Posey Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR65-CR2.2-01, LR65-AR1-02, and LR65-AR1-03 comply with the requirements of Indiana Administrative Rule 1(E), and, accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rules LR65-CR2.2-01, LR65-AR1-02, and LR65-AR1-03 for Posey Circuit and Superior Courts, set forth as an attachment to this Order, are approved effective January 1, 2016.

DONE at Indianapolis, Indiana, on 10/29/2015.



Loretta H. Rush
Chief Justice of Indiana

LR65-CR2.2-01 Rule for the Assignment of Criminal Cases in the Posey Circuit and Superior Courts

The Clerk of the Courts of Posey County shall assign criminal cases between the Courts of Posey County as follows:

(A) Felony Cases. Except for any criminal offense charged under I.C. 9-30-5 or I.C. 9-30-10, if a named defendant is on felony probation or has a pending felony case in the Posey Circuit or Posey Superior Court, the case shall be assigned to the court in which the defendant is on felony probation or in which the prior case is pending. Criminal Grand Jury proceedings shall be held in the Posey Circuit Court and any criminal indictment returned filed in the Posey Circuit Court. All other felony cases (MR, FA, FB, FC, FD, F1, F2, F3, F4, F5, and F6) shall be randomly assigned to the Posey Circuit and Superior Courts in accordance with LR65-AR1-03. If more than one defendant is charged in a separate cause number for acts arising out of the same incident or course of conduct, all cases so related shall be assigned to a single court determined randomly in accordance with LR65-AR1-03. The random assignment of related cases shall apply even though one or more of the defendants charged is on probation or has a pending felony case. If an indictment or information contains felony and misdemeanor charges, the case shall be considered a felony case.

(B) Misdemeanor Cases. Misdemeanor cases (CM) shall be assigned to the Posey Superior Court.

(C) OVWI and Habitual Traffic Violator Cases. All criminal offenses under I.C. 9-30-5 and I.C. 9-30-10 shall be assigned to the Posey Superior Court, including any such case in which the Defendant is on probation or has a prior case pending in the Posey Circuit Court.

(D) Post Conviction Relief. Post Conviction Relief Petitions (PC) shall be assigned to the court in which judgment of conviction was entered.

LR65-AR1-02 Rules for Assignment of Civil Cases in the Posey Circuit and Superior Courts

Civil cases shall be assigned between Posey Circuit and Superior Courts as follows:

(A) Mental Health (MH), Juvenile CHINS (JC), Juvenile Delinquency (JD), Juvenile Status (JS), Juvenile Miscellaneous (JM), Juvenile Termination of Parental Rights (JT), Juvenile Paternity (JP), Reciprocal Support (RS), Adoption (AD), Estate Supervised (ES), Estate Unsupervised (EU), Guardianship (GU), Trust (TR), Petition for Change of Name (MI), and Election Recount (MI) shall be assigned to the Posey Circuit Court.

(B) Dissolution of Marriage (DR), Expungement (XP), Small Claim (SC), Traffic Violation and other Infractions (IF), Local Ordinance Violation (OV), and Petitions for Protective Order (PO) shall be assigned to the Posey Superior Court.

(C) Civil Plenary (CP), Civil Collection (CC), Mortgage Foreclosure (MF), Civil Tort (CT), and all other Miscellaneous Civil (MI) cases shall be randomly assigned to the courts in accordance with LR65-AR1-03.

**LR65-AR1-03 Rule for Random Assignment of Felony and Civil
Cases**

The Clerk of the Courts of Posey County shall devise and utilize a plan for the random and equal assignment of all other felony and civil cases required by these rules to be assigned at random to the Posey Circuit and Superior Courts.