

In the  
Indiana Supreme Court



CAUSE NUMBER: 94S00-1301-MS-30

ORDER AMENDING INDIANA RULES FOR SMALL CLAIMS

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Rules for Small Claims, Rule 12 is amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

**Rules for Small Claims**

...

**Rule 12. Venue**

**(A) Proper Venue.**

(1) Proper venue for a case filed in the small claims docket of a Circuit, or Superior, ~~or County~~ Court shall be in the county where the transaction or occurrence actually took place, ~~or~~ where the obligation was incurred or is to be performed, or where one of the defendants resides or is employed ~~has his or her place of employment~~ at the time the complaint is filed.

(2) Except as provided in (3) below, proper venue for a case filed in a small claims court created pursuant to IC 33-34-1-2 shall be in the township where the transaction or occurrence took place, where the obligation was incurred or is to be performed, or where a defendant resides or is employed at the time the complaint is filed.

(3) Proper venue of any claim between landlord and tenant, including but not limited to a claim for rent, ~~for~~ possession of real estate, ~~for~~ return of property, ~~for~~ return of security deposit or for damages, filed in county a small claims courts created pursuant to IC 33-34-1-2 shall be in the ~~county and township~~ division of the Small Claims Court where the real estate is located, unless there is no small claims court in that township. ~~In the event there is no court division existing in the township where the real estate is located, such claim may be filed in any of the townships of the county.~~

**(B) Motion to Correct Venue.** When it appears that the county or township, in the case of small claims courts created pursuant to IC 33-34-1-2 in which the action is pending is not the proper place for the hearing of such action, the court shall, on the motion of a party or upon its own motion, determine the correctness of the venue. If the venue is incorrect the judge shall, at the

option of the plaintiff, order the action to be transferred or dismissed without prejudice unless the defendant appears and waives the venue requirement.

**(C) No Waiver of Venue.** No contract or agreement shall operate as a waiver of the provisions of this rule and the court shall treat any such attempt as being void.

These amendments shall take effect on January 1, 2014.

The Clerk of this Court is directed to send a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency and its Office of Code Revision; Indiana Supreme Court Administration Office; Court of Appeals of Indiana Administration Office; Indiana Tax Court Administration Office; Public Defender of Indiana; Indiana Prosecuting Attorney Council; Indiana Public Defender Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana State Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit and Superior Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, on September 13, 2013.

/s/Brent E. Dickson  
Brent E. Dickson  
Chief Justice of Indiana

All Justices concur.