

**STATE OF INDIANA – COUNTY OF ST. JOSEPH
IN THE ST. JOSEPH CIRCUIT, SUPERIOR, AND PROBATE COURTS**

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
June 3, 2015**

In accordance with Trial Rule 81 of the Indiana Court Rules, the St. Joseph Circuit, Superior, and Probate Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) for the courts of record of St. Joseph County, effective August 3, 2015. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning Caseload Allocation Plan and may not take effect until approved by the Supreme Court.

The time period for the bar and the public to comment shall begin on June 3, 2015, and shall close on July 3, 2015. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2015, and, if required, the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2015.

Comments by the bar and the public should be made in writing and mailed, or emailed, to:

Lisa A. Plencner, Court Administrator of the St. Joseph Circuit Court, Attn: Public Comment on Local Rules, St. Joseph County Courthouse, 101 S. Main Street, Room 223, South Bend, Indiana, 46601; or lplencne@co.st-joseph.in.us.

A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of St. Joseph County, St. Joseph County Courthouse, 101 S. Main Street, South Bend, Indiana during normal business hours. Persons with Internet access may view the proposed amended local rules at the following websites:

<http://www.stjoebar.org> or <http://www.courts.IN.gov/rules/local>

*Hon. Michael G. Gotsch
Judge, St. Joseph Circuit Court*

*Hon. Jenny Pitts Manier
Chief Judge, St. Joseph Superior Court*

*Hon. James Fox
Judge, St. Joseph Probate Court*

APPENDIX A TO LOCAL GENERAL AND ADMINISTRATIVE
RULES

CASELOAD ALLOCATION PLAN

FOR COURTS IN ST. JOSEPH COUNTY, INDIANA

...
III. Protocol for Assignment of Cases Among the Courts of St. Joseph County:

(1) Civil cases (other than small claims): With the exception of cases that must be assigned according to statute or local rule ~~statutorily~~ to the Probate Court ~~because of its designation as the court with exclusive jurisdiction over juvenile cases~~ (paternity, delinquency, dependency, adoption, etc.) or to the Circuit Court (~~license reinstatement, specialized driving privileges, name changes, etc.~~), civil cases (other than small claims cases) shall be assigned randomly among the judges and/or magistrate judges of the Circuit Court and the Superior Court designated to hear civil matters as follows:

...
(7) Separate petitions for specialized driving privileges shall be filed in the St. Joseph Circuit Court; however, petitions for post conviction relief (PCR) or requests for relief from suspensions entered in a pending criminal cause of action shall be filed before the court that issued the judgment of sentence or interlocutory suspension.

~~(7)~~ (8) Civil Protective Order (CPO) Cases: . . .

201.4. Forms.

201.4.1. Chronological Case Summary Entry Form. Every written motion, petition, or other pleading subsequent to the original complaint presented to the Clerk for filing shall be accompanied by a Chronological Case Summary (CCS) entry form in duplicate which shall contain the title and cause number of the action, the date, and the proposed entry to appear on the docket. The CCS entry form shall identify the party making the filing, designate each pleading being filed, and shall be signed by counsel of record or the unrepresented litigant. The form shall be date stamped and presented to the Court Clerk, who shall initial the form and return the duplicate to the filing party. Hearing dates for filings requiring Court action shall be obtained from the Court Clerk and incorporated in the CCS entry at the time the motion or other pleading is filed. If no date is obtained prior to the filing, the fact of the hearing should be noted with the date and time left blank. All proposed CCS entries must be examined and approved by the Judge before becoming part of the record. The Judge may modify or amend any proposed CCS entry and will notify counsel of any substantial modification or amendment of a proposed CCS entry.

201.4.2. Summons. Summonses shall be served in compliance with Indiana Trial Rule 4. A summons filed with the Clerk of the Circuit Court of St. Joseph County shall be in conformity with the form attached at Appendix C to these local rules.

Appendix C

CERTIFIED MAIL CERTIFIED MAIL

I hereby certify, as indicated in the date issued field, that a copy of this document was sent to the named person at the address furnished, by registered/certified mail at South Bend / Mishawaka, Indiana, return receipt requested.

Date Issued: _____

I hereby certify, as indicated in the date issued field, that a copy of this document was sent to the named person at the address furnished, by registered/certified mail at South Bend / Mishawaka, Indiana, return receipt requested.

Date Issued: _____

Clerk of the St. Joseph Circuit and Superior Courts

Signature of Party or Attorney

ADMISSION OF SERVICE

I received a copy of this document on this date _____ and at this location: _____

Signature of Party

Relationship (if not the within named party)

RETURN OF SERVICE BY SHERIFF OR OTHER OFFICER

Enter the alphabetical letter in the space provided to indicate the type of service.

I served a copy of this document as specified: (_____)

READING/delivering a copy (A) to the within named property

LEAVING A COPY for the within named party

(B) with the SPOUSE, named:

(F) with a SECRETARY, named:

(C) with a RELATIVE, named:

(G) with the ATTORNEY, named:

(D) at the RESIDENCE, located at address below: (H) with this person (OTHER – specify)

(E) with the EMPLOYER, named:

Specify the name of person, work supervisor, place of business, or location where copy was left.

(Check if applicable) _____ And by sending a copy of this document by first-class mail to the last known address of the within named person as indicated:

Last Known Address of Person Named in the document (or Change of Address) TO BE COMPLETED BY PARTY COMPLETING SUMMONS

I did not serve a copy of this document because: (_____)

(I) the party was NOT FOUND / NO SUCH ADDRESS

(R) the party was on VACATION

(J) the document EXPIRED

(S) the party was NOT FOUND / VACANT

(K) the party AVOIDED service

(T) the party was NOT FOUND / MOVED

(L) the party REFUSED service

(U) the party was NOT FOUND IN THIS BAILIWICK

(M) the party was NO LONGER EMPLOYED at that address

(V) INSUFFICIENT ADDRESS OR INFORMATION WAS GIVEN

(N) the document was RETURNED by the authority of the plaintiff

(W) the location is NO LONGER IN BUSINESS

(O) the party is DECEASED

(X) several attempts were made / UNABLE TO SERVE

(P) the party was UNKNOWN AT THAT ADDRESS

(Y) of the following reason (OTHER – specify):

(Q) the party was on SICK LEAVE / LAY OFF

I affirm, under the penalty of perjury, that the foregoing representations are true.

Date served / Attempted

Time Served / Attempted

Signature of Sheriff of St. Joseph (or _____) County,
Indiana (or other Officer) and Badge No.