

In the
Indiana Supreme Court



In the Matter of the Approval of Local
Rules for Allen County

Supreme Court Case No.
02S00-1707-MS-457

Order Approving Amended Local Rules

The Judges of the Allen 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 Allen Circuit and Superior Courts, this Court finds that the proposed rule amendments, LR02-AR1E-1 and LR02-CR2.2-1 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 LR02-AR1E-1 and LR02-CR2.2-1 for Allen Circuit and Superior Courts, set forth as attachments to this Order, are approved effective January 1, 2018.

Done at Indianapolis, Indiana, on 7/10/2017.

A handwritten signature in black ink, appearing to read "Loretta H. Rush".

Loretta H. Rush

Chief Justice of Indiana

(A) Domestic Relations (DC/DN) cases with self-represented litigants

New cases filed with the Clerk of the Allen Superior and Circuit Court on a Verified Petition for Dissolution of Marriage without legal representation shall be assigned on an alternating basis (every other case) to Superior Court 8 and Circuit Court respectively.

(B) Mortgage Foreclosures (MF)

- (1) 10% shall be filed in Circuit Court, and
- (2) 90% shall be filed in Superior Court 1.

(C) Civil Collections (CC)

Civil Collection (CC) cases shall be assigned in the proportion of 100% in Superior Court, divided evenly among the four judges of the Civil Division (Superior 1, Superior 2, Superior 3 and Superior 9).

(D) Criminal Cases

- (1) All MR, F1, F2, F3, F4, F5, F6, PC, OV and IF cases except as provided in (D)(3) herein below, shall be divided evenly among Superior 4, Superior 5 and Superior 6.
- (2) All CM cases shall be divided as follows: 40% in Superior 4, 30% in Superior 5 and 30% in Superior 6.
- (3) All Criminal cases filed by information, charging an offense of:
 - (a) Operating a Motor Vehicle with Lifetime Suspension, a Level 5 Felony, I.C. 35-30-10-17.
 - (b) Operating While Intoxicated, a Level 6 Felony, I.C. 9-30-5-3.
 - (c) Operating Vehicle as Habitual Traffic Violator, a Level 6 Felony, I.C. 9-30-10-16.
 - (d) Criminal Non-support of Dependents, a Level 6 Felony, I.C. 35-46-1-5 through I.C. 35-46-1-6

shall be filed in the Allen Circuit Court.

(E) Other Civil Cases

- (1) All Small Claims (SC) cases shall be filed in Superior Court and divided evenly among Superior Court 1, 2, 3 and 9.
- (2) Civil plenary (PL) cases may be filed in Circuit Court or Superior Court. Of those PL cases filed in Superior Court, injunctive relief petitions shall be filed in Superior Court 3. All other Superior Court PL cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.
- (3) All mental health (MH) cases shall be filed in Superior Court 9.
- (4) All Protective Order (PO) cases shall be divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9, with the exception that petitions to prohibit Workplace Violence shall be filed in Superior Court 2.
- (5) All Estate supervised/unsupervised (ES and EU) cases shall be filed in Superior Court 2.
- (6) All Estate miscellaneous (EM), Guardianship (GU) and Trust (TR) cases shall be filed in Superior Court 3.

(F) Civil Tort (CT)

100% of civil tort claims (CT) will be filed in the Superior Court, divided evenly among Superior 1, Superior 2, Superior 3 and Superior 9.

(G) Civil Miscellaneous (MI), Property Tax (TS/TP) and Expungement (XP)

Property tax cases, property forfeiture cases, expungement cases originating in Circuit Court and name change cases shall be filed in Circuit Court. For civil miscellaneous (MI) cases, all Specialized Driving Privileges shall be filed in Superior Court 9, structured settlements shall be filed in Superior Court 2, and custody/visitation petitions filed by grandparents or other third parties shall be filed in Superior Court 8. All other civil miscellaneous (MI) cases shall be filed in Superior Court, Civil Division and divided among Superior 1, 2, 3, and 9. Expungement (XP) filings originating in Superior Court shall be divided equally among Superior 4, 5, and 6.

(H) Juvenile Cases

(1) All juvenile CHINS (JC), juvenile termination (JT), and adoptions (AD) shall be filed in Superior Court 8, and juvenile delinquency (JD) and juvenile status (JS) shall be filed in Superior Court 7. Juvenile miscellaneous (JM) cases shall be filed in Superior Court 7 or 8.

(2) Juvenile Paternity (JP) cases may be filed in Circuit Court or Superior Court. All JP cases filed in Superior Court shall be assigned to Superior Court 7.

(I) Other Family Cases

(1) Domestic relations (DC/DN) may be filed in Circuit Court or Superior Court.

(2) Of the DC/DN cases filed in Superior Court 100% shall be filed in Superior 8.

(3) All Reciprocal support (RS) cases shall be filed in Superior Court 7.

(Amended effective January 1, 2018)

LR02-CR2.2-1 Assignment of Criminal Cases

Pursuant to CR 2.2 Effective January 1, 2005, Criminal cases filed in Allen County, Indiana shall be before the Court herein designated as follows:

A. Original Assignments-Charged by Information

1. All Criminal cases filed by information, charging an offense of:

Operating a Motor Vehicle With Lifetime Suspension, a Level 5 Felony, I.C. 9-30-10-17;

Operating While Intoxicated, a Level 6 felony, I.C. 9-30-5-3;

Operating Vehicle as Habitual Traffic Violator, a Level 6 felony I.C. 9-30-10-16;

Criminal Non-Support of Dependents, I.C. 35-46-1-5 through I.C. 35-46-1-7;

shall be filed before the Allen Circuit Court.

2. All other criminal cases, filed by Information, other than those filed before the Allen Circuit Court pursuant to Paragraph 1 above, shall be filed in the Allen Superior Court, Criminal Division.

3. Unless pendent to a felony, all misdemeanors shall be filed in the Misdemeanor and Traffic Division of the Allen Superior Court, Criminal Division.

4. Within the Allen Superior Court, Criminal Division, felony offenses shall be filed as follows:
a) Two (2) Judges shall preside over all Murder, Level 1, 2, 3, and 4 felonies, excluding Drug cases.

b) One (1) Judge shall preside over all Level 5 and 6 Felonies, and over all Drug cases not assigned to the Drug Court Intervention Program.

5. Designation of Judges to the categories, referred to in Section 4(a) and (b), shall be by Order of the Judges of the Allen Superior Court, Criminal Division, to be made on or before May 1, 1995 and annually prior to January 1 each year thereafter.

(Amended effective January 1, 2018)