

STATE OF INDIANA – COUNTY OF MADISON CIRCUIT COURTS (Divisions 1-6)

**Notice of Proposed New Rule or Amendment(s) to Local Court Rule(s)
May 3, 2024**

In accordance with Trial Rule 81 of the Indiana Court Rules, the Madison Circuit Court hereby gives notice of proposed changes at LR48-AR00-02 Caseload Plan, LR48-TR10-25 Orders/Decrees (Form Of), and LR48-TR79-16 Special Judge Selection for the courts of record of Madison County. The Madison Circuit Judges find good cause to deviate from the schedule for adopting local rules under Trial Rule 81 (D) in order that these changes can be effective by June 30, 2024. All new text is shown by underlining and deleted text is shown by ~~striketrough~~. Supreme Court approval is required for Local Rules concerning the Caseload Plan and Special Judge Selection 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 May 8, 2024, and shall close on June 7, 2024. The proposed revalidation/amendment to the rule will be adopted, modified, or rejected before June 15, 2024, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than June 22, 2024. The amended Local Rules at LR48-AR00-02 Caseload Plan, LR48-TR10-25 Orders/Decrees (Form Of), and LR48-TR79-16 Special Judge Selection will become effective on June 30, 2024.

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

Hon. Scott Norrick, Chief Judge of the Madison Circuit Court, Attn: Public Comment on Local Rules, Madison County Courthouse, 16 East 9th Street, Suite 417, Anderson, Indiana; or e-mailed to jhunter@madisoncounty.in.gov.

A paper copy of the proposed revalidated/amended local rule(s) will be made available for viewing in the office of the Clerk of Madison County, Madison County Courthouse, 16 East 9th Street, Anderson, Indiana during normal business hours. Persons with Internet access may view the proposed revalidated/amended local rules for at the following websites:

<http://www.https://www.madisoncounty.in.gov/departments/clerk-of-the-circuit-court> or
<http://www.courts.IN.gov/rules/local>.

/s/Scott Norrick

Scott Norrick, Chief Judge-Madison Circuit Court, (Divisions 1-6)

LR48-AR00-02 CASELOAD PLAN

In compliance with Administrative Rule 1(E), the following chart reflects the caseload allocation for the Madison Circuit Court. No part of this rule shall prohibit the transfer of individual cases to promote efficiency, fair distribution, or the timely resolution of cases.

Cases shall be filed per the following allocation:

Circuit Court No. 1

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies, RF (Red Flag) 100% of total filings.

Civil: PL (Civil Plenary), MF (Mortgage Foreclosure) 33% of total filings, CC (Civil Collections) over \$3,000 only, CT (Civil Tort), DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, RS (Reciprocal Support), MH (Mental Health), AD (Adoption), ES, EU, GU, GM, TR (Probate), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings (excepting MI Title IV-D 33% of total filings, OV (Ordinance Violations), RF (Red Flag) 100% of total filings.

Circuit Court No. 2

Criminal: Felonies, which include F6 (Level 6 Felony) 100% of all Educational Neglect Cases only, MC (Miscellaneous Criminal), and CM (Criminal Misdemeanors) - compulsory attendance only.

Civil: DC, DN, (Domestic Relations) 10% of total filings, RS (Reciprocal Support), MH (Mental Health), GU (only for GU cases with an accompanying CHINS case), GM (Probate), OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity) 20% of total filings (JP case with accompanying CHINS case must be assigned to Circuit 2); JD (Juvenile Delinquency), JS (Juvenile Status), JM (Juvenile Miscellaneous), JC (Juvenile CHINS), JT (Juvenile Termination), JQ (Juvenile Protective Order), JM (Juvenile Miscellaneous) 100% of total filings.

Circuit Court No. 3

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM

(Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies.

Civil: PL (Civil Plenary), MF (Mortgage Foreclosure) 33% of total filings, CC (Civil Collections) over \$3,000 only, CT (Civil Tort), DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, RS (Reciprocal Support), MH (Mental Health), AD (Adoption), ES, EU, GU, GM, TR (Probate), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings (excepting MI Title IV-D 33% of total filings), OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity) 40% of total filings.

Circuit Court No. 4

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies.

Civil: PL (Civil Plenary), CC (Civil Collections) under \$3,000 only, CT (Civil Tort), SC (Small Claims) 50% of total filings, EV (Evictions) 50% of total filings, DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, MH (Mental Health), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings, OV (Ordinance Violations).

Circuit Court No. 5

Criminal: Crimes committed on or before June 30, 2014: Felonies which include FD (Class D Felony) 50% of total filings; MC (Miscellaneous Criminal) and CM (Criminal Misdemeanors) in conjunction with D Felonies. Crimes committed on or after July 1, 2014: F6 (Level 6 Felony) 30% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Level 6 felonies.

Civil: PL (Civil Plenary), CC (Civil Collections) under \$3,000 only, CT (Civil Tort), SC (Small Claims) 50% of total filings, EV (Evictions) 50% of total filings, DC, DN, represented and pro se (Domestic Relations) 20% of total filings, MH (Mental Health), MI (Miscellaneous) 20% of total filings, OV (Ordinance Violations).

Circuit Court No. 6

Criminal: Crimes committed on or before June 30, 2014: Felonies, which include MR (Murder), FA (Class A Felony), FB (Class B Felony), FC (Class C Felony) 25% of total filings; FD (Class D Felony) 12.5% of total filings; MC (Miscellaneous Criminal) and CM

(Criminal Misdemeanors) in conjunction with Murder or A, B, C, Felonies, or D Felonies. Crimes committed on or after July 1, 2014: MR (Murder); F1 (Level 1 Felony); F2 (Level 2 Felony); F3 (Level 3 Felony); F4 (Level 4 Felony); F5 (Level 5 Felony); 25% of total filings; F6 (Level 6 Felony) 17.5% of total filings; MC (Miscellaneous Criminal) and misdemeanors in conjunction with Levels 1, 2, 3, 4, 5, and 6 felonies.

Civil: PL (Civil Plenary), MF (Mortgage Foreclosure) 33% of total filings, CC (Civil Collections) over \$3,000 only, CT (Civil Tort), DC, DN, (Domestic Relations) 17.5% of total filings, DC, DN (pro se) 20% of total filings, RS (Reciprocal Support), MH (Mental Health), AD (Adoption), ES, EU, GU, GM, TR (Probate), PO (Protective Orders) 25% of total filings, MI (Miscellaneous) 20% of total filings (excepting MI Title IV-D 33% of total filings), OV (Ordinance Violations).

Juvenile: JP (Juvenile Paternity) 40% of total filings.

LR48-TR10-25 ORDERS/DECREEES (FORM OF)

A. The second and subsequent pages of all proposed orders shall contain an abbreviated case caption including the complete cause number.

B. Proposed judgments or decrees submitted to the Court in MF case types shall include a proposed CCS entry.

DECREEES AND ORDERS SIGNED BY NON-PRESIDING JUDGEES

C. All proposed orders or decrees filed by counsel following a hearing before the Magistrate, Commissioner, or Referee shall include the following language:

“This matter comes before the Magistrate/Commissioner, etc... (name) for hearing . . .”
At the end of the decree or order, the following language should appear, followed by a line for the Magistrate/Commissioner’s, etc... signature “Recommended for Approval”.
The following entry should appear after the Hearing Officer’s signature: “COMES NOW THE COURT AND ENTERS JUDGEENT ON THE COMMISSIONER’S FINDINGS AND RECOMMENDATIONS.”

/s/ _____
Judge

Commentary: This rule does not apply to Senior Judges, Temporary Judges, or Pro tems.

D. Notwithstanding the above, timely objections filed pursuant to Trial Rule 53(E)(2) will be given due consideration by the presiding Judge.

E. All Judgeents or Decreees for the foreclosure of a Real Estate Mortgage shall provide (and if inadvertently omitted therefrom shall be deemed to provide) as follows:

1. Counsel for the Mortgagee shall submit a form of Sheriff’s Deed, with appropriate blanks for the name and address (for purpose of real estate tax billings) of the Purchaser to be filled in by the Sheriff (or his or her Deputy) immediately after the sale;
2. That the Sheriff shall include as part of the costs of the Sale the recording and transfer fees for the recording of the Sheriff’s Deed.
3. That the Sheriff shall cause the Sheriff’s Deed to be promptly recorded after the completion of the Sheriff’s Sale.
4. A copy of the Sheriff’s return and the Sheriff’s Deed shall be provided to the respective court’s filing clerk for filing in the Court’s case file.

F. On proposed orders, counsel shall submit the names and mailing addresses of all distributees. When such distribution list and addresses are included in the proposed order, the court reporter is responsible to forward the signed order to the Clerk’s office to be mailed to all non-party distributees. If such distribution list and addresses are not

included in the proposed order, the court reporter shall distribute the order electronically to parties, and the party seeking the order shall be responsible for further distribution to non-parties.

LR48-TR79-16 SPECIAL JUDGE SELECTION

A. A copy of each pleading or each paper filed with the Court after a Special Judge has qualified shall be mailed or delivered by counsel to the office of that Special Judge with service to that Special Judge indicated on the certificate of service.

B. Pursuant to Trial Rule 79, should all remedies listed under 79 (D), ~~(E)~~, and ~~(F)~~ fail to produce a special judge then the appointment of an eligible special judge shall be made pursuant to local rule, as follows, in accordance with 79 (H)

C. The Madison County Clerk, on a rotating basis in consecutive order, shall appoint the eligible judge in Madison County as follows:

For all domestic relations, paternity cases, and all other civil case types:

Presiding Judge of Circuit Court 1

Presiding Judge of Circuit Court 2

Presiding Judge of Circuit Court 3

Presiding Judge of Circuit Court 4

Presiding Judge of Circuit Court 5

Presiding Judge of Circuit Court 6

Madison County Magistrate # 1

Madison County Magistrate # 2

Madison County Juvenile Magistrate

D. Should none of the above referenced judges accept jurisdiction due to disqualification pursuant to the Code of Judicial Conduct, ineligibility for service under this rule Trial Rule 79 or excused from service by the Indiana Supreme Court, then the appointment shall be made at random by the Clerk from eligible Judges and Magistrates within Administrative District 14 (Grant County Circuit Court, Grant County Superior Court Divisions 1, 2, 3).

E. In the event that no judicial officer within Administrative District 14 is eligible to serve as special judge or the particular circumstances of the case warrant selection of a special judge by the Indiana Supreme Court, the judge of the court in which the case is pending shall certify the matter to the Indiana Supreme Court for appointment of a special judge.

(Effective ~~January~~ June 30, 2024)