

ORANGE COUNTY
CIRCUIT AND SUPERIOR COURTS
LOCAL COURT RULES

(Updated January 1, 2024)

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LR59-AR00-1
CASELOADS

The Courts of Orange County, Indiana adopt the following local rule in regard to caseloads pursuant to Administrative Rule 1(E) after reviewing the 2019 Weighted Caseload Measures and determining that the same complies with the 0.40 utilization Caseload Variance.

1. Unless precluded by state statute or state court rule, the following types of causes shall be filed exclusively in the Orange Superior Court:
 - a. Infractions (“IF” cause numbers),
 - b. Ordinance Violations (“OV” and “OE” cause numbers),
 - c. Criminal Misdemeanors (“CM” cause numbers),
 - d. Criminal Level 6 Felonies (“F6” cause numbers),
 - e. Protective Orders (“PO” cause numbers),
 - f. Small Claims in which the debt or damage claimed, or value of the property sought does not exceed the jurisdictional amount of \$10,000.00 (“SC” cause numbers),
 - g. Civil Plenary Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 (“PL” cause numbers),
 - h. Civil Collection Cases in which the debt or damage claimed, or value of the property sought does not exceed \$10,000.00 (“CC” cause numbers),
 - i. Domestic Relations cases filed between July 1st and September 30th inclusive (“DC” and “DN” cause numbers),
 - j. Miscellaneous Civil cases in which the debt or damage claimed, or the value of the property sought does not exceed \$10,000.00, and which do not seek injunctive relief (“MI” cause numbers), and
 - k. Eviction (“EV” cause number) inclusive of cases placed on small claims docket and civil collection docket.
2. Unless precluded by state statute or state court rule, Miscellaneous Criminal cases (“MC” cause numbers) including but not limited to Search Warrants may be filed in either the Orange Circuit or Superior Courts.
3. Unless precluded by state statute or state court rule, Red Flag cases (“RF” cause numbers) will be assigned to Judges configured to hear “MC” cases and may be filed in either the Orange Circuit or Superior Courts.
4. Unless precluded by state statute or state court rule, Petitions to Expunge Convictions, Petitions to Seal Criminal Records, and Petitions for Specialized Driving Privileges (“MI” cause numbers) shall be filed in that Court that entered the conviction or license suspension at issue. Petitions for Specialized Driving Privileges in regard to license suspensions imposed by the Indiana Bureau of Motor Vehicles (“MI” cause numbers) may be filed in either the Orange Circuit or Superior Courts.

5. Petitions for Post Conviction Relief (“PC” cause numbers) seeking relief from a prior Judgment of the Orange Circuit Court shall be filed in the Orange Circuit Court. Petitions for Post Conviction Relief (“PC” cause numbers) seeking relief from a prior Judgment of the Orange Superior Court or Orange County Court shall be filed in the Orange Superior Court.
6. Unless precluded by state statute or state court rule, all other causes shall be filed exclusively in the Orange Circuit Court.
7. This rule does not preclude the following filings in the Orange Circuit Court:
 - a. Petitions for Protective Orders (“PO” cause numbers; when litigation between the same parties is pending in the Orange Circuit Court, or when the Respondent in the Protective Order is a juvenile.
 - b. Criminal Level 6 Felonies and Misdemeanors filed as counts to a more serious criminal charge filed in the Orange Circuit Court (“MR”, “F1”, “F2”, “F3”, “F4”, and “F5” cause numbers), and
 - c. Criminal Level 6 Felonies (“F6” cause numbers) and Criminal Misdemeanors (“CM” cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.

(Amended effective January 1, 2024)

LR59-AR00-2
SUPERIOR COURT ALCOHOL & DRUG PROGRAM FEE SCHEDULE

The Orange Superior Court as the governing and supervising authority for the Orange Superior Court Alcohol & Drug Program, and with the agreement and approval of the Orange Circuit Court, adopts the following local rule establishing a Schedule of Fees for court alcohol and drug program services.

1. Assessment, education classes or treatment referral, and case management for a client ordered by an Orange County court, a client referred by the Orange County Probation Department pursuant to a probation established by an Orange County Court, or a client ordered by a court outside of Orange County or referred by a probation department pursuant to probation established by a court outside of Orange County if the county has no court alcohol and drug program..... \$400.00

2. Assessment, education classes or treatment referral, and case management for a client pursuant to a Pretrial Diversion Agreement filed in an Orange County Court..... \$150.00

3. Assessment, education classes or treatment referral, and case management for a client transferred in from a court alcohol and drug program outside of Orange County, or a client ordered by a court outside of orange County or referred by a probation department pursuant to probation established by a court outside of Orange County if the county has a court alcohol and drug program..... \$300.00

4. Transfer out (with or without assessment) to a court alcohol and drug program outside of Orange County for a client ordered by an Orange County Court..... \$100.00

(Amended effective October 1, 2023)

LR59-AR15-3
COURT REPORTER SERVICES

The Courts of Orange County, Indiana adopt the following local rule for Court Reporter services pursuant to Administrative Rule 15.

1. Each Court Reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours, or overtime hours.
2. Regular working hours shall be 35 hours per week. Gap hours shall be hours worked in excess of 35 hours per week. Overtime hours shall be hours worked in excess of 40 hours.
3. That for any gap or overtime hours worked, the Court and the Court Reporter shall enter into a written agreement whereby compensation for such work shall be as follows:
 - a. Compensatory time off from regular work hours shall be given in an amount equal to the number of gap hours worked.
 - b. Compensatory time off from regular work hours shall be given in the amount of one and on-half (1 ½) times the number of overtime hours worked.
4. The Court Reporter shall be compensated at the rate of \$5.50 per page for any county indigent, state indigent or private ordinary transcripts prepared. The Court Reporter shall submit directly to the county a claim for the preparation of the county indigent transcripts as other county claims are submitted. If the Court Reporter is requested to prepare an expedited transcript, the maximum per page fee shall be \$10.50 where the transcript must be prepared within 24 hours or less and \$7.50 where the transcript must be prepared within 3 working days; provided however that there shall be a minimum fee of \$50.00 for expedited transcripts.
5. A minimum fee of thirty-five dollars (\$35.00) will be charged for ordinary transcripts less than seven (7) pages in length.
6. An additional labor charge approximating the hourly rate based upon the court reporter's annual compensation shall be charged for the time spent binding the transcripts and the exhibit binders.
7. The court reporter may charge a reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29. The costs for these supplies shall be determined pursuant to a Schedule of Transcript Supplies which shall be established and published annually by the judges of Orange County.
8. If a transcript is prepared for the purposes of appeal, the original paper transcript shall be

forwarded to the Clerk upon completion. The Court Reporter is also directed to produce two copies of an electronically formatted transcript, one of which shall become an official record of the court proceedings and kept in the court where said proceeding was held, and the other of which shall be submitted to the Clerk along with the original paper transcript.

9. Any transcript prepared for reasons other than appeal shall be delivered to the requesting party.
10. Each Court Reporter who receives income from the preparation of transcripts shall report such amounts, at least annually, to the Indiana Supreme Court Division of State Court Administration on forms prescribed by such Division.
11. This rule is purposefully silent as to the hours during which court reporters may prepare transcripts, as to whether court reporters must reimburse the Court for use of its equipment and work space in preparing transcripts. The Judges of the Orange Circuit and the Orange Superior Courts retain their individual authority to make rules on such matters applicable only to their particular Court.
12. Should any Court Reporter elect to engage in the private business of recording and/or transcribing depositions, they shall do so outside the employee's scheduled working hours, on the employee's time off, or the employee may elect to use compensatory time. Each Court shall be responsible for setting the amount of reimbursement and fees for the use of the Court's equipment and work space. The Court Reporter shall furnish her own supplies for such purposes.

(Amended effective December 18, 2018)

LR59-CR2.2-4
ASSIGNMENT OF CRIMINAL CASES

The Court of Orange County, Indiana adopt the following local rule in regard to assignment of criminal cases, and pursuant to Rule 2.2 of the Indiana Rules of Criminal Procedure.

1. All Misdemeanors and Level 6 Felonies shall be assigned to, and filed in the Orange Superior Court (subject to the exceptions provided in LR59-AR00-1).
2. All other Felonies shall be assigned to, and filed in the Orange Circuit Court.
3. This rule does not preclude the following filings in the Orange Circuit Court:
 - a. Criminal Level 6 Felonies and Misdemeanors filed as counts to a more serious criminal charge filed in the Orange Circuit Court (“MR”, “F1”, “F2”, “F3”, “F4”, and “F5” cause numbers), and
 - b. Criminal Level 6 Felonies (“F6” cause numbers) and Criminal Misdemeanors (“CM” cause numbers) filed when the same Defendant has more serious criminal charges pending in the Orange Circuit Court.
4. The Judge of the Orange Circuit Court or Superior Court, by appropriate order entered in the Record of Judgments and Orders, may transfer and reassign to the other court a pending Level 6 Felony or Misdemeanor case, provided the receiving Court accepts jurisdiction of such matter.
5. Because this assignment rule provides for all Misdemeanors and Level 6 Felonies to be filed in the Orange Superior Court, and for all other Felonies to be filed in the Orange Circuit Court, with the only exceptions being those outlined in Sections 3 & 4 of this rule, so long as the regular Judge of the Orange Circuit or Superior Court is presiding on the case at the time of dismissal, it is not necessary to make further provisions for continued assignment of a Judge in the event of dismissal. In those circumstances, continued assignment in the event of dismissal shall occur as the inevitable result of compliance with this rule.
6. If a Special Judge is presiding on a case in either the Orange Circuit or Orange Superior Court, and a dismissal occurs, all Felony or Misdemeanor charges filed against the same defendant within the next six months which are based upon the same facts and circumstances, shall be assigned to the Special Judge from whom the dismissal was taken.
7. In the event of disqualification, recusal, or other change of Judge, a criminal, infraction, ordinance violation, or post-conviction relief case shall be reassigned in the Court where pending to a Special Judge selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the Indiana Supreme Court’s policy that Special Judges in these kinds of cases should first be

selected from within Orange County, and the requirement of Indiana Criminal Rule 13 that Special Judges in these kinds of cases if not from Orange County must be from a county that is contiguous to Orange County or from within District 24. The selection shall also take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.

8. In the event these rules fail to assign a case or unique circumstances presented in a particular proceeding preclude local assignment, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.

(Amended effective July 24, 2015)

LR59-JR04-5
JURY SELECTION AND SUMMONS

The Courts of Orange County, Indiana, adopt the following local rule regarding summoning jurors, and pursuant to Rule 4 of the Indiana Jury Rules.

1. The Orange Circuit and Superior Courts shall utilize a two-tier notice and summons system.
 - a. First Tier: Within seven (7) calendar days of drawing juror names, the jury administrator shall send a jury qualification form and notice to prospective jurors.
 - b. Second Tier: At least one (1) week before jury service begins, the jury administrator shall summon prospective jurors. The summons shall include all pertinent information and instruction relevant for jury service.
2. The Orange Circuit and Superior Court judge may order prospective jurors to appear upon less notice if it becomes apparent that additional prospective jurors are needed to complete jury selection.

(Effective January 1, 2022)

LR59-TR79-6
SELECTION OF SPECIAL JUDGES IN CIVIL CASES

1. In the event of disqualification, recusal, or other change of Judge in a civil case, and the parties do not reach an agreement as to a Special Judge pursuant to Indiana Trial Rule 79(D) or an agreed upon Special Judge does not accept the case, and it becomes necessary to appoint a Special Judge under Indiana Trial Rule 79(H), a Special Judge shall be selected by the Administrative Judge of District 24 pursuant to the District 24 Governance Plan. The selection shall take into account the intent of the District 24 Governance Plan that each Judge receive one (1) appointment for every case from which that Judge disqualifies, recuses, or grants a change of Judge.
2. In the event that these rules fail to produce a Special Judge who is eligible to serve, or unique circumstances presented in a particular case preclude Special Judge selection locally, the Judge before whom the case is pending may request the Indiana Supreme Court to appoint a Special Judge for the case.

(Amended effective July 24, 2015)

**LR59-TR53.5-7
CONTINUANCES**

The Courts of Orange County, Indiana, adopt the following local rule regarding continuance pursuant to Rule 53.5 of the Indiana Rules of Trial Procedure.

- A. Motion for Continuance. Unless made during trial or hearing, a motion for continuance shall be in writing and state with particularity the following:
 - (1) the grounds for such request;
 - (2) that all opposing counsel or parties have been contacted concerning the motion;
 - (3) whether opposing counsel or parties consent or object to the continuance, or if counsel or the party have not been contacted, the reason(s) such information is not available at the time of the filing.

- B. Time for Filing. Motions or Stipulations for Continuance shall be filed as soon after the cause for continuance or delay is discovered by the party seeking the same, and no later than seven (7) days before the scheduled date, unless the reason therefore is shown by affidavit to have occurred within such seven (7) day period.

- C. Small Claims. The provisions of the rule shall also apply to small claim matters, excepting the requirements for filing of affidavits in paragraph B above.

(Effective January 1, 2024)