

Proposed amendments to the Marion County Local Court Rules.

Underlining indicates proposed additions and striking through indicates deletions. The amended rule will be effective on the date of approval by the Indiana Supreme Court.

Comments to this proposed Local Rule amendment will be received through noon on July 2, 2025. Comments to this proposed amended Local Rule should be emailed to the Office of the Court Administrator, c/o Luke Britt, at Luke.Britt@indy.gov or mailed to:

Luke Britt
Office of the Court Administrator
Marion County Circuit and Superior Courts
675 Justice Way
Indianapolis, IN 46203

LR49-TR3-200 RANDOM FILING OF CIVIL CASES

A. All civil cases filed with the Marion County Clerk's Office designated by statute or rule as being required to be filed in certain named Courts shall be so assigned.

B. Cases involving a petition for specialized driving privileges pursuant to I.C. § 9-30-16 in which the suspension of the driving privileges was not imposed by or recommended by a court imposing a sentence in a criminal case, and was not based upon delinquent child support or the person's status as a student under I.C. § 9-24-2, shall be filed in the Marion Circuit Court; all other petitions or requests for specialized driving privileges shall be filed in the court in which the charges are pending or in which the sentence was imposed, in the court in which the issue of child support is docketed, or in Marion Superior Court, Family Division if the suspension was based upon the person's status as a student under I.C. § 9-24-2.

C. Civil Plenary (PL), Mortgage Foreclosure (MF), Civil Collections (CC), Civil Torts (CT), Protective Order (PO), Traffic Infractions (IF), Ordinance Violations (OV) and Eviction (EVCD) cases shall be allocated at follows:

1. Civil Plenary (~~CP~~/PL) cases

a. ~~7% shall be randomly filed in Circuit Court, and~~

~~b. 93% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D11, D12, and D13.~~

a. 7% shall be randomly filed in court D01, and

b. 93% shall be randomly filed in the following other Superior Courts D02, D03, D04, D05, D06, D11, D12, and D13.

2. Mortgage Foreclosure (MF) cases

a. ~~7% shall be randomly filed in Circuit Court, and~~

~~b. 93% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D11, D12, and D13.~~

~~32.~~ Civil Collections (CC) cases

a. 7% shall be randomly filed in Circuit Court, and

~~b. 93% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D11, D12, and D13.~~

b. 11% shall be randomly filed in Superior Court D01, and

c. 82% shall be divided randomly and evenly filed among Superior Courts D02, D03, D04, D05, D06, D11, D12, and D13.

43. Civil Torts (CT)

~~a. 7% shall be randomly filed in Circuit Court, and~~

~~b. 93% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D11, D12, and D13.~~

~~a. 5% shall be randomly filed in Circuit Court C01, and~~

~~b. 95% shall be randomly and evenly filed among Superior Courts D02, D03, D04, D05, D06, D11, D12, and D13.~~

54. Protective Order (PO) cases that do not involve a relationship as defined by IC 35-31.5-2-128

a. 7% shall be randomly filed in Circuit Court, and

b. 93% shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D11, D12, and D13.

5. Mortgage Foreclosure (MF) cases – all cases will be filed in court D33.

6. Eviction Cases Civil Docket (EVCD) – all cases will be filed in court D33.

~~7. a. All Eviction cases civil docket (EVCD) will be filed in court D33.~~

~~8. 7. All Traffic Infraction (IF) and Ordinance Violations (OV/OE) cases will be filed in court D33.~~

a. Cases pursuant to IC 9-24-18-1, IC 9-24-19-1/FA, IC 9-24-19-2/MA et seq. shall be filed in court D33.

8. All Commercial Court Eligible (CE) cases will be filed in court D01.

~~a. 9. All Review of Administrative Agency Decision cases (AR) shall be filed in Superior Court, divided randomly and evenly among Courts D01, D02, D03, D04, D05, D06, D11, D12, and D13.~~

D. Family Cases

a. DC and DN cases shall be divided and randomly assigned to the Marion Superior Court, Family Division Courts D09, D10, D14, D15, D16, D22 and D24.

b. JP cases shall be divided and randomly assigned to the Marion Superior Court, Family Division Courts D09, D10, D14, D15, D16, D22 and D24.

c. Juvenile case types, with the exception of those detailed in paragraph (e) of this rule shall be divided and randomly assigned to the Marion Superior Court, Family Division Courts D09, D10, D14, D15, D16, D22 and D24.

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d. Protective order cases that are domestic in nature (those that involve a relationship as defined by IC 35-31.5-2-128) shall be divided and randomly assigned to Courts D09, D10, D14, D15 D16, D22 and D24.

1. When there is an existing DN, DR, DC, or JP case, any related PO filing shall be assigned to the same court as the existing family case.

e. All Title IV-D cases shall be assigned to the Marion Circuit Court.

f. Grandparent Visitation Cases (GV) shall be divided and randomly assigned to Courts D09, D10, D14, D15 D16, D22 and D24.

1. When there is an existing DC or JP case, any related GV filing shall be assigned to the same court as the existing family case.

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E. Marion Superior Court, Civil Division D13 shall be assigned the following case filings:

1. Any civil case where the environment is involved as the lead issue or where a decision of an environmental administrative agency is being appealed;
2. Any civil action that includes a count based upon or involving Indiana Code Title 13/ Environment or Title 14/ Natural and Cultural Resources;
3. Any civil action requiring judicial review from final agency action involving an environmental matter;
4. Department of Revenue UST and solid waste fee tax warrants;
5. Common law theories of recovery such as toxic torts, property contamination cases alleging nuisance, trespass, negligence and environmental cleanup and contribution actions;
6. Open Door and Public Record suits or appeals related to IDEM, DNR, ISHD, State Fire Marshall or the Fire Prevention and Building Safety Commission; and
7. Contract or other disputes involving a substantive environmental issue.

F. Civil cases involving judicial review of a zoning decision pursuant to IC 36-7-4-1601 et seq. shall be randomly assigned.

G. Civil cases requiring judicial review of a final State Agency decision under Article 21.5 of the Indiana Administrative Orders and Procedures Act (I.C. 4-21.5 et seq.) shall be randomly assigned.

H. Civil cases requiring judicial review of an administrative decision of the Bureau of Motor Vehicles pursuant to I.C. § 9-30-10 shall be filed in the Marion Circuit Court.

I. Civil cases requiring judicial review of an administrative decision of the Bureau of Motor Vehicles pursuant to I.C. § 9-24-2 shall be filed in Marion Superior Court, Family Division Courts D09, D10, D14, D15, D16, D22 and D24.

J. Cases involving a petition for change of name filed under I.C. § 34-28-2 shall be filed in the Marion Circuit Court.

All civil cases other than those listed above filed with the Marion County Clerk's Office for the Marion Superior Court shall be assigned to an individual courtroom on a random basis. The process for the random assignment shall be done through the Court and Clerk's automated case management system.

~~Effective September 1, 2024~~

~~Effective June 1, 2025~~ upon Supreme Court Approval