

**STATE OF INDIANA – COUNTY OF JOHNSON
IN THE JOHNSON CIRCUIT AND SUPERIOR COURTS**

**Notice of Proposed Local Rule Amendment and Finding Good Cause to
Deviate from Established Schedule
August 25, 2023**

The judges of the Johnson Circuit and Superior Courts, pursuant to Trial Rule 81(B), hereby give notice to the bar and the public that the Courts propose to amend the Local Rule(s) on October 1, 2023 for the courts of record of Johnson County and find good cause to deviate from the schedule for amending local rules under Trial Rule 81(D).

All new text is shown by underlining and deleted text is shown by ~~strikethrough~~.

Notice has been given to the public by posting on the website of the Johnson County Clerk and at the Indiana Judiciary webpage for Local Rules (<https://www.in.gov/courts/publications/local-rules/>), and by furnishing a copy to the officers of the Johnson County Bar Association. A paper copy of the proposed amended local rule(s) will be made available for viewing in the office of the Clerk of Johnson County, 5 E. Jefferson Street, Franklin, Indiana 46131 during normal business hours.

The time period for the bar and the public to comment shall begin on August 25, 2023, and shall close on September 24, 2023. These rule amendments will be effective on October 1, 2023.

Comments should be made in writing via mail to:

Hon. Andrew S. Roesener, Judge of the Johnson Circuit Court, Attn: Public Comment on Local Rules, Johnson County Courthouse, 5 E. Jefferson St., Franklin, IN 46131, or via email to Shena Johnson, Court Administrator, sjohnson@co.johnson.in.us.

DATED this 25th day of August, 2023 on behalf of the Judges of Johnson County.

/s/ Andrew S. Roesener
Andrew S. Roesener, Judge
Johnson Circuit Court

PLAN FOR ALLOCATION OF JUDICIAL RESOURCES (CASELOAD ALLOCATION PLAN)

LR41 - AR01 - 057: Criminal Cases.

Criminal case allocation among the Johnson Circuit and Superior Courts will operate as specified in the Rules for Filing and Reassignment of Criminal Cases, LR41 - CR2.2 - 086.

LR41 - AR01 - 058: Juvenile Cases.

All Juvenile cases (JC, JD, JM, JP, JS, and JT) shall be filed in the Johnson Circuit Court.

- A. CHINS and Terminations. Unless a written order indicates otherwise, Juvenile CHINS (JC) and Juvenile Termination (JT) cases shall be heard by the Judge of the Johnson Circuit Court.
- B. Other Juvenile Cases. Unless a written order indicates otherwise, Juvenile Delinquency (JD), Juvenile Miscellaneous (JM), Juvenile Paternity (JP), and Juvenile Status (JS) cases shall be heard by the Juvenile and Family Court Magistrate.

LR41 - AR01 - 059: Family Court Cases.

Unless otherwise indicated by a written order, all Family Court cases shall be heard by the Juvenile and Family Court Magistrate of the Johnson Circuit Court.

LR41 - AR01 - 060: Remaining Civil Cases.

- A. Reciprocal Support. Reciprocal Support (RS) cases shall be filed in the Johnson Circuit Court and will ~~beard- be heard~~ by the Magistrate of the Juvenile and Family Court.
- B. Probate. All Probate cases (AD, ES, EM, EU, GU, MH, and TR) shall be filed in the Johnson Superior Court No. 1.
- C. Domestic Relations.
 1. With Children. Domestic Relations with Children (DN) Domestic Relations No Children (DN) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.
 2. Without Children. Domestic Relations with Children (DC) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.
- D. Small Claims. Small Claims (SC) cases, including Evictions (EV), shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis. Small Claims cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- E. Protection Order. Protection Order cases shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis, unless involving the same parties in a pending Civil or Juvenile case (i.e., AD, DR, GU, JC, JD, JM, JP, JS, JT, etc.).
 1. Not Associated with Other Cases. Protection Order (PO) cases not associated with other pending Civil or Juvenile case shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
 2. Associated with Other Cases. Protection Order (PO) cases associated with other pending Civil or Juvenile cases involving the same parties ~~eases~~ shall be opened in the courts wherein such associated cases are pending and may, at the discretion of the presiding Judge, be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- F. Tax Sale Cases. Application for Judgment in Tax Sale (TS) and Verified Petition for Tax Deed (TP) cases shall be filed in Johnson Superior Court No. 1.
- G. Civil Cases. Unless a specific provision of this rule provides otherwise, all remaining civil case types (CC, CT, EV, MF, MI, PC, PL, RF, and XP) shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 4 on a random and even basis.
 1. Post-Conviction Relief.
 - a. Post-Conviction Relief (PC) cases shall be filed in the court which sentenced the Petitioner.
 - b. Post-Conviction Relief cases may be assigned to the Magistrate of the Johnson Circuit

- and Superior Courts.
2. Expungement / Sealing (pursuant to I.C. 35-38-9-1, et seq.). Expungement (XP) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
 3. Special Driving Privileges (pursuant to I.C. 9-30-16-1, et seq.). Civil Miscellaneous (MI) cases filed to petition for Special Driving Privileges shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

LR41 - AR01 - 061: Proceedings Supplemental.

- A. Small Claims. Proceedings Supplemental in Small Claims (SC) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
- B. Other Civil Cases. Unless a written order indicates otherwise, Proceedings Supplemental in all other cases shall be heard in the court supervising that case.

LR41 - AR01 - 062: Evaluation of Workload Information.

- A. Future Review. Future review of the Caseload Allocation Plan shall be conducted in compliance with the Schedule for the same established pursuant to Administrative Rule 1.
- B. Caseload Evaluation. The caseload evaluation shall factor in the disparate allocation of administrative duties among the judicial officers, as well as any special circumstances such as death penalty cases.
- C. Special Service. Special service by: 1) Johnson County judicial officers outside their own courts; or, 2) special, senior judges, or transfer Judges serving in the Johnson County Courts shall also be considered. Such service shall be calculated, in accordance with the Weighted Caseload Worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration, to the nearest half day of service.
- D. Caseload Allocation Plan Schedule. Pursuant to the evaluation of factors outlined in steps 1-3 above, changes necessary to ensure that the Johnson County Courts remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judicial officers and shall become effective on January 1 of the following year, unless good cause is shown pursuant to Indiana Trial Rule 81.
- E. Bi-annual Review. Pursuant to Indiana Administrative Rule 1, the Johnson County Caseload Allocation Plan is subject to review in odd-numbered years. In compliance with the rule, the next scheduled review will occur in 2017 based on data collected in 2016. Thus, a full Caseload Allocation review incorporating Superior Court No. 4 will not occur until 2017, based upon the caseload statistics from 2015 and 2016.

CRIMINAL RULES

LR41 - CR2.2 - 085: Authority and Scope.

These rules are hereby promulgated pursuant to the authority of the Indiana Criminal Rules. These rules shall govern the practice and procedure for the filing assignment of all felony and misdemeanor cases in the Johnson County Circuit and Superior Courts.

LR41 - CR2.2 - 086: Random Case Assignment.

- A. Felonies. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 087 and LR41 - CR2.2 - 88, all cases involving Felonies shall assigned on a random and equal basis among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.
- B. Misdemeanors, Infractions, and Ordinance Violations. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 086 and LR41 - CR2.2 -87, Misdemeanors (CM), Infraction (IF), and Ordinance Violation (OV) cases shall be assigned to the Johnson Superior Court No. 3.
- C. Miscellaneous Criminal Cases.
 1. Search Warrants. Miscellaneous Criminal cases opened for Search Warrants shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No.

- 2, Johnson Superior Court No. 3, and Johnson Superior Court No. 4 based upon the annual Judges' On-Call Schedule.
2. Grand Jury. Miscellaneous Criminal cases opened for Grand Jury proceedings shall be opened in the court of the supervising Judge, pursuant to Rule LR41-CR00-091.
3. General.
 - a. Miscellaneous Criminal cases opened for rights advisements shall be filed in the Johnson Circuit and Superior Courts on a random and even basis;
 - b. Miscellaneous Criminal cases opened for rights advisements and extraditions shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts; and,
 - c. Miscellaneous Criminal cases opened for probation transfers shall be assigned to the Johnson Circuit Court.
 - d. Criminal Red Flag (RF) cases shall be assigned on a random and equal basis between Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.

LR41 - CR2.2 - 087: Re-filings and Subsequent Filings.

- A. Subsequent to Dismissals.
 1. In the event the State of Indiana dismisses a case or charge, any subsequent case or charge filed against the named defendant shall be assigned to the Court from which the dismissal was taken.
 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when charges are re-filed.
- B. New Causes of Action, Generally.
 1. Subject to the provision of subsection (c) below, in the event of the origination of a new cause of action against a defendant with an existing felony proceeding, the new cause of action shall be assigned to the Court administering the existing cause(s) of action.
 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when the new charges are filed.
- C. New Causes of Action, Probation Revocation.
 1. If the new felony cause of action filed against a defendant is supported by the same facts upon which a petition revoke probation or direct commitment to a Community Corrections program could be based, the new cause of action shall be assigned to the Circuit or Superior Court in which the related probation or commitment is being supervised.
 2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when such new charges are filed.