

IC 33-33

ARTICLE 33. COURT SYSTEM ORGANIZATION IN EACH COUNTY

IC 33-33-1

Chapter 1. Adams County

IC 33-33-1-1

Judicial circuit

Sec. 1. Adams County constitutes the twenty-sixth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-1-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Adams superior court.

(b) The Adams superior court is a standard superior court as described in IC 33-29-1.

(c) Adams County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-1-3

Judge; location of court sessions

Sec. 3. The Adams superior court has one (1) judge who shall hold sessions in the Adams County courthouse in Decatur, or in other places in the county as the board of county commissioners of Adams County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-1-4

Jurisdiction

Sec. 4. The Adams superior court has the same jurisdiction as the Adams circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-1-5

Small claims and misdemeanor division

Sec. 5. The Adams superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-2

Chapter 2. Allen County

IC 33-33-2-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-2

Judicial circuit

Sec. 2. Allen County constitutes the thirty-eighth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-3

Magistrate

Sec. 3. The judge of the Allen circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-4

Paternity actions; hearing officer

Sec. 4. (a) The Allen circuit court has concurrent jurisdiction with the Allen superior court concerning paternity actions.

(b) In addition to the magistrate appointed under section 3 of this chapter, the judge of the Allen circuit court may appoint a hearing officer with the powers of a magistrate under IC 33-23-5. The hearing officer continues in office until removed by the judge.

(c) The salary of a hearing officer appointed under subsection (b) is equal to that of a magistrate under IC 33-23-5. The hearing officer's salary must be paid by the county. The hearing officer is a county employee.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-5

Establishment of superior court

Sec. 5. (a) There is established a superior court in Allen County.

(b) The superior court shall be known as the Allen superior court.

(c) The Allen superior court is a court of record, and its judgments, decrees, orders, and proceedings have the same force and effect and shall be enforced in the same manner as those of the Allen circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-6

Seal

Sec. 6. The Allen superior court shall have a seal consisting of a circular disk containing the words, "Allen Superior Court", "Indiana", and "Seal", in a design as the court may determine. An impression of the seal shall be spread of record upon the order book

of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-7

Location of superior court sessions

Sec. 7. (a) The Allen superior court shall hold its sessions in:

- (1) the Allen County courthouse in Fort Wayne; and
- (2) in other places in Allen County as the court may determine.

(b) The board of county commissioners of Allen County shall provide and maintain in the courthouse and at other places in Allen County as the court may determine:

- (1) suitable and convenient courtrooms for the holding of the court;
- (2) suitable and convenient jury rooms and offices for the judges and other court officers and personnel; and
- (3) other facilities as may be necessary.

(c) The board of county commissioners of Allen County shall also provide all necessary furniture and equipment for rooms and offices of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-8

Judges; divisions

Sec. 8. (a) The Allen superior court consists of nine (9) judges as follows:

- (1) Two (2) judges serve in the family relations division.
- (2) Three (3) judges serve in the criminal division.
- (3) Four (4) judges serve in the civil division.

A newly elected or appointed judge assumes the division assignment of the judge whom the judge replaces.

(b) If in the opinion of a majority of the judges there is an undue disparity in the number of cases in any division, the chief judge may assign specific cases normally assigned to that division to a judge in another division as directed by a majority of the judges.

(c) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for one (1) of the Allen superior court judgeships must file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2 that:

- (1) is signed by the candidate; and
- (2) designates the division and the name of the incumbent judge of the judgeship that the candidate seeks.

(d) A petition without the designation required under subsection (c) shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2).

(e) If an individual who files a declaration under subsection (c) ceases to be a candidate after the final date for filing a declaration under subsection (c), the election division may accept the filing of additional declarations of candidacy for that seat not later than noon on August 1.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-9

Judicial candidates; terms

Sec. 9. (a) All candidates for each respective Allen superior court judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(b) IC 3, except where inconsistent with this chapter, applies to elections held under this chapter.

(c) The term of each Allen superior court judge:

(1) begins January 1 following election and ends December 31 following the election of a successor; and

(2) is six (6) years.

As added by P.L.98-2004, SEC.12. Amended by P.L.58-2005, SEC.33.

IC 33-33-2-10

Candidate for judge; qualifications

Sec. 10. (a) To qualify as a candidate for Allen superior court judge, a person:

(1) must be a citizen of the United States domiciled in Allen County;

(2) must have at least five (5) years active practice of law, including cases involving matters assigned to the division in which the person would serve as judge;

(3) may not previously have had any disciplinary sanction imposed upon the person by the supreme court disciplinary commission of Indiana or any similar body in another state; and

(4) may not previously have been convicted of any felony.

(b) If a person does not qualify under subsection (a), the person may not be listed on the ballot as a candidate. However, an individual who was a judge of the court on January 1, 1984, does not have to comply with subsection (a)(2).

As added by P.L.98-2004, SEC.12.

IC 33-33-2-11

Limits on acceptance of contributions

Sec. 11. A judge or candidate for judge of the Allen superior court may not:

(1) accept a contribution (as defined in IC 3-5-2-15) from any political party, political action committee (as defined in IC 3-5-2-37), or regular party committee (as defined in IC 3-5-2-42); or

(2) accept more than a total of ten thousand dollars (\$10,000) in contributions from all sources to pay expenses connected with the candidate's candidacy.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-12

Rules and regulations; incidental powers of judges

Sec. 12. (a) The Allen superior court:

- (1) may make and adopt rules and regulations for conducting the business of the court, not repugnant to Indiana laws and the rules of the supreme court; and
- (2) has all the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders.

(b) The judges of the superior court may administer oaths, solemnize marriages, take and certify acknowledgments of deeds, and all legal instruments, and give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-13

Orders, writs, appointments, and commissions

Sec. 13. The Allen superior court may:

- (1) grant restraining orders and injunctions;
- (2) issue writs of habeas corpus;
- (3) appoint receivers, masters, and commissioners to convey real property and to grant commissions for the examination of witnesses; and
- (4) appoint other officers necessary to facilitate and transact the business of the court;

as conferred on circuit courts or the judges of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-14

Personnel

Sec. 14. (a) The Allen superior court may appoint probate commissioners, juvenile referees, bailiffs, court reporters, probation officers, and other personnel, including an administrative officer, the court believes are necessary to facilitate and transact the business of the court.

(b) In addition to the personnel authorized under subsection (a) and IC 31-31-3, the following magistrates may be appointed:

- (1) The judges of the Allen superior court-civil division may jointly appoint not more than four (4) full-time magistrates under IC 33-23-5 to serve the Allen superior court-civil division. The judges of the Allen superior court-civil division may jointly assign any magistrates the duties and powers of a probate commissioner.
- (2) The judge of the Allen superior court-criminal division may jointly appoint not more than three (3) full-time magistrates under IC 33-23-5 to serve the Allen superior court-criminal division. Any magistrate serves at the pleasure of, and continues in office until jointly removed by, the judges of the division that appointed the magistrate.

(c) All appointments made under this section must be made

without regard to the political affiliation of the appointees. The salaries of the personnel shall be fixed and paid as provided by law. If the salaries of any of the personnel are not provided by law, the amount and time of payment of the salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor, upon the order of the court, and be entered of record. The officers and persons appointed shall perform duties as are prescribed by the court. Any administrative officer appointed by the court shall operate under the jurisdiction of the chief judge and serve at the pleasure of the chief judge. Any probate commissioners, magistrates, juvenile referees, bailiffs, court reporters, probation officers, and other personnel appointed by the court serve at the pleasure of the court.

(d) Any probate commissioner appointed by the court may be vested by the court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts, and settlements filed in the court, the appointment of personal representatives, guardians, and trustees, the probating of wills, the taking and hearing of evidence on or concerning such matters, or any other probate, guardianship, or trust matters in litigation before the court, the enforcement of court rules and regulations, the making of reports to the court concerning the probate commissioner's actions under this subsection, including the taking and hearing of evidence together with the commissioner's findings and conclusions regarding the evidence. However, all matters under this subsection are under the final jurisdiction and decision of the judges of the court.

(e) A juvenile referee appointed by the court may be vested by the court with all suitable powers for the handling and management of the juvenile matters of the court, including the fixing of bonds, the taking and hearing of evidence on or concerning any juvenile matters in litigation before the court, the enforcement of court rules and regulations, and the making of reports to the court concerning the referee's actions under this subsection. The actions of a juvenile referee under this subsection are under final jurisdiction and decision of the judges of the court.

(f) A probate commissioner or juvenile referee may:

- (1) summon witnesses to testify before the commissioner or juvenile referee; and
- (2) administer oaths and take acknowledgments;

to carry out the commissioner's or juvenile referee's duties and powers.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2007, SEC.216; P.L.127-2008, SEC.9.

IC 33-33-2-15

Salary of juvenile referee

Sec. 15. Each juvenile referee appointed under section 14 of this chapter who:

- (1) is appointed by the court to serve as a full-time referee; and

(2) does not practice law during the referee's term as referee; is entitled to receive an annual salary as provided in IC 33-38-5-7. *As added by P.L.98-2004, SEC.12.*

IC 33-33-2-16

Clerk and sheriff

Sec. 16. The clerk of the Allen circuit court and the sheriff of Allen County shall be the clerk and sheriff of the Allen superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-17

Clerk and sheriff; duties, liabilities, fees, and procedure

Sec. 17. (a) The clerk and sheriff shall attend the Allen superior court and discharge all the duties pertaining to their respective offices as they are required to do by law in the circuit court.

(b) All laws prescribing the duties and liabilities of clerk and sheriff and the mode of proceeding against them, or either of them, for neglect of official duty, allowing fees, and providing for the collection fees in the circuit court, apply to the Allen superior court.

(c) In a case in the Allen superior court based upon a violation of a city ordinance where fines or forfeitures are adjudged against a party:

(1) the fines or forfeitures shall be paid to and collected by the clerk and regularly remitted to the city clerk of the city that issued the ordinance; and

(2) the city clerk shall disburse the fines or forfeitures as required by law.

Payment of fines for admitted parking violations shall be made to the city clerk of the city that issued the ordinances concerning parking violations.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-18

Record books and dockets

Sec. 18. The clerk, under the direction of the Allen superior court, shall provide:

(1) order books;

(2) judgment dockets;

(3) execution dockets;

(4) fee books; and

(5) other books, papers, and records;

as are necessary for the court. All books, papers, and proceedings of the court shall be kept distinct and separate from those of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-19

Single order book

Sec. 19. The Allen superior court shall maintain a single order

book for the entire court. The order book may be signed on behalf of the court by any of the judges of the court. The signature constitutes authentication of the actions of each judge in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-20

Jurisdiction

Sec. 20. (a) The Allen superior court has the same jurisdiction as the Allen circuit court. Except as provided in subsection (b), the superior court has exclusive juvenile jurisdiction in Allen County.

(b) The Allen superior court has concurrent jurisdiction with the Allen circuit court concerning paternity actions.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-21

Fees

Sec. 21. The same fees shall be taxed in the Allen superior court as are provided by law to be taxed in the Allen circuit court. When collected in the Allen superior court, the fees shall be disbursed in the same manner as similar fees are disbursed in the Allen circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-22

Laws applicable to superior court

Sec. 22. All laws of the state and rules adopted by the supreme court governing the Allen circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the Allen superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-23

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-2-24

Fees of jurors and witnesses

Sec. 24. Jurors and witnesses in attendance upon the Allen superior court shall receive the same fees as are provided for by law for jurors and witnesses in the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-25

Transfer of cases from circuit court

Sec. 25. The judge of the Allen circuit court may, with the consent of the Allen superior court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the superior court by

transferring all original papers and instruments filed in the action, cause, or proceeding without a further transcript to be redocketed and disposed of as if originally filed with the Allen superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-26

Transfer of cases to circuit court

Sec. 26. Any judge of the Allen superior court may, with the consent of the judge of the Allen circuit court, transfer any action, cause, or proceeding filed and docketed in the superior court to the circuit court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-27

Authority of circuit judge to sit in superior court

Sec. 27. The judge of the Allen circuit court may sit as a judge of the superior court, with the superior court's permission, in all matters pending before the superior court, without limitation and without any further order, in the same manner as if the circuit court judge were a judge of the superior court with all the rights and powers as if the circuit court judge were appointed judge of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-28

Appeals

Sec. 28. Any party may appeal from any order or judgment of the superior court in any case where an appeal may be had from a similar order or judgment of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-29

Process

Sec. 29. The process of the Allen superior court must have the seal affixed and be attested, directed, served, and returned, and be in the form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-30

Board of judges

Sec. 30. (a) The Allen superior court shall be governed and operated by a board of judges composed of all the judges of the superior court. Six (6) judges are required for a quorum for conducting business and as a majority for taking action. Every two (2) years the board of judges shall elect a chief judge to carry out ministerial functions of representation as the board of judges periodically determines by a majority of the board's members.

(b) Matters of administration, budget, expenditures, policy, and

procedure affecting the entire superior court shall be determined by a majority of the board of judges. Any determination binds the entire board of judges and each judge of the board.

(c) One (1) budget covering all the divisions of the superior court shall be prepared for the superior court and submitted to the county fiscal body. However, each division shall prepare its own budget as a component of the superior court's total budget.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-31

Divisions of the court

Sec. 31. (a) The court, by rules adopted by the Allen superior court, shall divide the work of the court into the following divisions:

(1) A family relations division.

(2) A criminal division (including a standard minor offenses and violations docket under IC 33-29-2-8).

(3) A civil division (including a standard small claims docket under IC 33-29-2-4).

(b) Cases involving juvenile matters shall be assigned to the family relations division.

(c) Cases involving matters specified in IC 33-29-2-8 shall be assigned to the criminal division.

(d) Cases involving matters specified in IC 33-29-2-4 shall be assigned to the small claims docket in the civil division.

(e) The work of each division may be divided further by rules adopted by the court.

(f) Every two (2) years each division of the court shall elect an administrative judge for that division. The administrative judge shall carry out ministerial, administrative, and assignment functions as are periodically determined by a majority of the judges of that division.

(g) Matters of administration, budget, expenditures, policy, and procedure in each division shall be determined by a majority of the judges of that division.

(h) Disputes within any division concerning administration, budget, expenditures, policy, procedure, and assignments that pertain to the division as a whole or to any individual judge of the division, that for any reason cannot be resolved by a majority of the judges in the division, shall be submitted to the board of judges and determined by a majority of the board of judges.

(i) A resolution approved by a majority of the board of judges that resolves disputes within a division must include at least one (1) of the judges of that division and binds all of the judges of that division.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2007, SEC.217.

IC 33-33-2-32

Judicial nominating commission; establishment

Sec. 32. (a) There is established a judicial nominating commission for the Allen superior court.

(b) The board of county commissioners of Allen County shall

provide all facilities, equipment, supplies, and services necessary for the administration of the duties of the commission.

(c) The members of the commission serve without compensation. However, the board of commissioners shall reimburse members of the commission for actual expenses incurred in performing their duties.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-33

Judicial nominating commission; membership

Sec. 33. (a) The judicial nominating commission consists of seven (7) members, the majority of whom shall form a quorum. The chief justice of the supreme court (or a justice of the supreme court or judge of the court of appeals designated by the chief justice) shall be a member and shall act as chairman. Persons who are admitted to the practice of law and who reside in Allen County shall, under sections 35 and 36 of this chapter, elect three (3) members to serve on the commission. The governor shall appoint to the commission three (3) residents of Allen County who are not admitted to the practice of law. However, not more than two (2) of these appointees may be from the same political party. If the governor fails to appoint any of the nonattorney commission members within the time required under section 34 of this chapter, the appointment shall be made by the chief justice of the supreme court.

(b) A member of the commission other than a judge or justice may not hold any other salaried public office, and a member may not hold an office in a political party or organization. A member of the commission is ineligible for appointment to a judicial office in Allen County while the member is a member of the commission and for three (3) years thereafter. If any member of the commission other than a judge or justice terminates the member's residence in Allen County, the member is considered to have resigned from the commission.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-34

Judicial nominating commission; nonattorney members

Sec. 34. (a) The governor shall appoint the three (3) nonattorney members of the commission.

(b) One (1) month before the expiration of a term of office of a nonattorney commissioner, the governor shall:

- (1) reappoint the commissioner; or
- (2) appoint a replacement.

All appointments shall be certified to the secretary of state, the clerk of the supreme court, and the clerk of Allen superior court not more than ten (10) days after the appointment.

(c) After their initial terms, the governor shall appoint each nonattorney commissioner for a term of four (4) years.

(d) When a vacancy occurs in the office of a nonattorney commissioner, the chairman of the commission shall promptly notify

the governor in writing of that fact. Vacancies in the office of nonattorney commissioners shall be filled by appointment of the governor not more than sixty (60) days after the governor has notice of the vacancy. The nonattorney commissioner appointed shall serve during the unexpired term of the member whose vacancy the nonattorney commissioner has filled.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-35

Judicial nominating commission; attorney members

Sec. 35. (a) Persons who are admitted to the practice of law and who reside in Allen County (referred to as "attorney electors") shall elect three (3) members to serve on the commission. The term of office of each elected attorney member is four (4) years, commencing on the first day of October following the member's election. The election day is the first Tuesday in September 1983, and every four (4) years thereafter. During the month before the expiration of each attorney commissioner's term of office, an election shall be held to fill the succeeding four (4) year term of office.

(b) Except when a term of office has less than ninety (90) days remaining, vacancies in the office of an attorney commissioner shall be filled for the unexpired term by a special election.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-36

Judicial nominating commission; election of attorney members

Sec. 36. The attorney members of the commission shall be elected by the following process:

(1) The clerk of the superior court shall, at least ninety (90) days before the date of election, notify all attorneys in Allen County of the election by mail, informing them that nominations must be made to the clerk of the superior court at least sixty (60) days before the election.

(2) A nomination in writing, accompanied by a signed petition of ten (10) attorney electors and the written consent of the qualified nominee, shall be filed by an attorney elector in the office of the clerk at least sixty (60) days before the election.

(3) The clerk shall prepare and print ballots containing the names and residential addresses of all attorney nominees whose written nominations, petitions, and written statements of consent have been received sixty (60) days before the election.

(A) The ballot must read:

"ALLEN SUPERIOR COURT

NOMINATING COMMISSION BALLOT

To be cast by individuals residing in Allen County and admitted to the practice of law in Indiana. Vote for not more than three (3) of the following candidates for terms commencing _____.

(Name) (Address)

(Name) (Address)

(etc.) (etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of the Allen Superior Court not later than _____.

DESTROY BALLOT IF NOT USED".

(B) The three (3) nominees receiving the most votes are elected.

(4) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting the ballot, certifying that the attorney elector is admitted to the practice of law in Indiana, that the attorney elector resides in Allen County, and that the attorney elector voted the ballot returned. A ballot not accompanied by the signed certificate of the voter may not be counted.

(5) A separate envelope shall be provided by the clerk for the ballot, in which only the voted ballot is to be placed. This envelope may not be opened until the counting of the ballots.

(6) The clerk of the superior court shall mail a ballot and its accompanying material to all qualified electors at least two (2) weeks before the date of election.

(7) Upon receiving the completed ballots and the accompanying certificates, the clerk shall ensure that the certificates have been completed in compliance with this chapter. All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots. All accompanying certificates shall be placed in a separate package.

(8) The clerk, with the assistance of the Allen County election board, shall open and canvass all ballots after 4 p.m. on the day of the election in the office of the clerk of the Allen superior court. A ballot received after 4 p.m. may not be counted unless the chairman of the judicial nominating commission orders an extension of time because of extraordinary circumstances. Upon canvassing the ballots the clerk shall place all ballots in their package. These, along with the certificates, shall be retained in the clerk's office for six (6) months, and the clerk may not permit anyone to inspect them except upon an order of the court of appeals.

(9) If two (2) or more nominees are tied so that one (1) additional vote cast for one (1) of them would give that nominee a plurality, the canvassers shall resolve the tie by lot, and the winner of the lot is considered to have been elected.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-37

Judicial nominating commission; notification of election or appointment

Sec. 37. After:

(1) the attorney members of the commission have been elected; and

(2) the names of the nonattorney commissioners appointed by the governor have been certified to the secretary of state, the clerk of the supreme court, and the clerk of Allen superior court;

the superior court clerk shall notify the members of the commission of their election or appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-38

Judicial nominating commission; service; limitation

Sec. 38. (a) A member of the commission shall serve until the member's successor is appointed or elected.

(b) An attorney commissioner or nonattorney commissioner is not eligible for more than two (2) successive reelections or reappointments.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-39

Vacancy in judgeship; nomination of candidates; meetings of commission

Sec. 39. (a) When a judge of the superior court:

(1) dies, resigns, is removed from office; or

(2) is for any reason ineligible to continue or incapable of continuing in office until the end of the judge's term in office; a judge in another division may not more than thirty (30) days after the vacancy occurs transfer to the vacant position for the remainder of the transferring judge's term. A judge who has made one (1) transfer is ineligible to make any other transfers. If more than one (1) judge desires to transfer, the most senior of these judges is entitled to transfer. After a transfer, or the thirty (30) day period if a transfer is not made, the commission shall meet to nominate three (3) candidates to fill the unexpired term of the vacancy caused by the transferring judge or the original vacancy if a transfer is not made.

(b) The clerk shall promptly notify the members of the commission of a vacancy that the commission must fill under subsection (a), and the chairman shall call a meeting of the commission within ten (10) days following that notice. The commission shall submit its nominations of three (3) candidates for the vacancy and shall certify them to the governor not later than sixty (60) days after the vacancy occurred. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving:

(1) the clerk shall notify the chairman and each member of the commission immediately; and

(2) the chairman shall call a meeting of the commission within ten (10) days following that notice.

The commission may then submit its nominations of three (3) candidates for each impending vacancy and shall certify them to the governor.

(c) Meetings of the commission shall be called by its chairman,

or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. Written notice of a meeting shall be given by mail to each member of the commission at least five (5) days before the meeting, unless the commission at its previous meeting designated the time and place of its next meeting.

(d) Meetings of the commission may be held in the Allen County courthouse or in another public building in Allen County designated by the commission.

(e) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members attending a meeting. The commission may adopt rules for the conduct of its proceedings and the discharge of its duties.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-40

Vacancy in judgeship; nomination of candidates; requirements

Sec. 40. In selecting the three (3) nominees to be submitted to the governor, the commission shall comply with the following requirements:

(1) The commission shall submit only the names of the three (3) most highly qualified candidates from among all those eligible individuals considered. To be eligible for nomination as a judge of the Allen superior court, a person must meet the qualifications listed in section 10 of this chapter.

(2) As an aid in choosing the three (3) most qualified candidates, the commission shall in writing evaluate each eligible individual it considers on the following factors:

(A) Law school record, including any academic honors and achievements.

(B) Contributions to scholarly journals and publications, legislative draftings, and legal briefs.

(C) Activities in public service, including:

(i) writings and speeches concerning public or civic affairs that are on public record, including campaign speeches or writing, letters to newspapers, and testimony before public agencies;

(ii) government service;

(iii) efforts and achievements in improving the administration of justice; and

(iv) other conduct relating to the candidate's profession.

(D) Legal experience, including the number of years practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(E) Probable judicial temperament.

(F) Physical condition, including age, stamina, and possible habitual intemperance.

(G) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate, patience, decisiveness, and dedication.

(H) Membership on boards of directors, financial interests,

and any other consideration that might create conflict of interest with a judicial office.

(I) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(3) An individual may not be evaluated before the individual states in writing that the individual desires to hold a judicial office that is or will be created by a vacancy.

(4) The political affiliations of a candidate may not be considered.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-41

Vacancy in judgeship; submission of list of nominees to governor

Sec. 41. The commission shall submit to the governor, with its list of nominees, its written evaluation of the qualifications of each nominee.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-42

Vacancy in judgeship; nomination of candidates; substitution of names

Sec. 42. (a) After the commission has nominated and submitted to the governor the names of three (3) nominees:

(1) a name may be withdrawn for a cause considered by the commission to substantially affect the nominee's qualifications to hold office; and

(2) another name or other names may be substituted at any time before the appointment is made to fill the vacancy.

(b) If a nominee dies or requests in writing that the nominee's name be withdrawn, the commission shall nominate another person to replace the nominee.

(c) If two (2) or more vacancies exist, the commission shall nominate and submit to the governor a list of three (3) different persons for each of the vacancies. Before an appointment is made, the commission may withdraw the lists of nominations and change the names of any persons nominated from one (1) list to another, or may substitute a new name for any of those previously nominated.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-43

Vacancy in judgeship; appointment from list of nominees

Sec. 43. (a) A vacancy created by a superior court judge's departure from office before the expiration of the judge's term in office that is not filled by a transfer under section 39 of this chapter shall be filled by appointment of the governor from the list of nominees. If the governor fails to make an appointment from the list within sixty (60) days after the list is presented to the governor, the appointment shall be made by the chief justice of the supreme court from the same list.

(b) The governor shall make all appointments to the Allen superior court without regard to the political affiliation of any of the nominees and shall consider only those qualifications included in section 40 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-44

Vacancy in judgeship; effective date of appointment

Sec. 44. An appointment to the Allen superior court for the remainder of a departing judge's term in office takes effect immediately if a vacancy exists at the date of the appointment. The appointment takes effect on the date the vacancy is created if the vacancy does not yet exist.

As added by P.L.98-2004, SEC.12.

IC 33-33-2-45

Vacancy in judgeship; appointee to serve unexpired term

Sec. 45. A judge appointed under section 43 of this chapter serves during the unexpired part of the judge's predecessor's term in office.

As added by P.L.98-2004, SEC.12.

IC 33-33-3

Chapter 3. Bartholomew County

IC 33-33-3-1

Judicial circuit

Sec. 1. Bartholomew County constitutes the ninth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-3-2

Establishment of standard superior courts

Sec. 2. (a) There are created two (2) courts of record to be known as Bartholomew superior court No. 1 and Bartholomew superior court No. 2.

(b) Each court is a standard superior court as described in IC 33-29-1.

(c) Bartholomew County comprises the judicial district of each court.

As added by P.L.98-2004, SEC.12.

IC 33-33-3-3

Clerk and sheriff

Sec. 3. The clerk of the Bartholomew circuit court is the clerk of the Bartholomew superior courts, and the sheriff of Bartholomew County is the sheriff of the Bartholomew superior courts. The clerk and sheriff shall attend the courts and discharge all the duties pertaining to their respective offices as they are required to do by law with reference to the Bartholomew circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-3-4

Judges; location of court sessions

Sec. 4. Each Bartholomew superior court has one (1) judge who shall hold sessions in the Bartholomew County courthouse in Columbus.

As added by P.L.98-2004, SEC.12.

IC 33-33-3-5

Judicial powers

Sec. 5. (a) The judges of the Bartholomew superior courts:

(1) may make and adopt rules for conducting the business of the Bartholomew superior courts not repugnant to the laws of the state or rules of the supreme court; and

(2) have all powers incident to a court of record in relation to the attendance of witnesses, punishment of contempt, and enforcement of its orders.

(b) In addition to the powers described in IC 33-29-1-4, the judges of each superior court may:

(1) give all necessary certificates for the authentication of records and proceedings of each court; and

(2) make and execute certificates of qualification and moral

character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-3-6

Magistrate

Sec. 6. (a) The judge of Bartholomew superior court No. 2 may appoint one (1) full-time magistrate to serve Bartholomew superior court No. 2.

(b) The magistrate continues in office until removed by the judge of Bartholomew superior court No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-3-7

Jurisdiction

Sec. 7. The Bartholomew superior courts have concurrent jurisdiction, both original and appellate, with the Bartholomew circuit court in all:

- (1) civil actions and proceedings at law and in equity; and
- (2) criminal and probate matters, actions, and proceedings of which the Bartholomew circuit court has jurisdiction.

However, the Bartholomew circuit court has exclusive jurisdiction in all juvenile matters, actions, and proceedings.

As added by P.L.98-2004, SEC.12.

IC 33-33-3-8

Standard small claims and misdemeanor division

Sec. 8. The Bartholomew superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-4

Chapter 4. Benton County

IC 33-33-4-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Benton County constitutes the seventy-sixth judicial circuit.

(b) The Benton circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-5

Chapter 5. Blackford County

IC 33-33-5-1

Judicial circuit

Sec. 1. Blackford County constitutes the seventy-first judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-5-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Blackford superior court.

(b) The Blackford superior court is a standard superior court as described in IC 33-29-1.

(c) Blackford County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-5-3

Judge; location of court sessions

Sec. 3. The Blackford superior court has one (1) judge who shall hold sessions in the Blackford County courthouse in Hartford City or in any other places in the county as the Blackford County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-5-4

Personnel

Sec. 4. (a) In addition to a bailiff and an official court reporter for the court appointed under IC 33-29-1-5, the judge of the Blackford superior court may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, commissioner, or other person:

(1) shall be fixed in the same manner as the salaries of the personnel for the Blackford circuit court; and

(2) shall be paid monthly out of the treasury of Blackford County as provided by law.

(b) Personnel appointed under this section and IC 33-29-1-5 continue in office until removed by the judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-5-5

Jurisdiction

Sec. 5. (a) Except as provided in subsection (b), the Blackford superior court has the same jurisdiction as the Blackford circuit court.

(b) The Blackford circuit court has exclusive juvenile jurisdiction.
As added by P.L.98-2004, SEC.12.

IC 33-33-5-6**Small claims and misdemeanor division**

Sec. 6. The Blackford superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-6

Chapter 6. Boone County

IC 33-33-6-1

Judicial circuit

Sec. 1. Boone County constitutes the twentieth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-6-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as Boone superior court No. 1 and Boone superior court No. 2.

(b) Except as otherwise provided in this chapter, both superior courts are standard superior courts as described in IC 33-29-1.

(c) Boone County constitutes the judicial district of each superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-6-3

Judges; location of court sessions

Sec. 3. Each Boone superior court has one (1) judge who shall hold session in the Boone County courthouse in Lebanon.

As added by P.L.98-2004, SEC.12.

IC 33-33-6-4

Transfer of cases

Sec. 4. A case filed in the Boone circuit court or one (1) of the Boone superior courts may not be transferred by a court to one (1) of the other courts except on written stipulation of all the parties to the cause, other than parties defaulted. The stipulation shall be filed in the cause.

As added by P.L.98-2004, SEC.12.

IC 33-33-6-5

Lack of jurisdiction; transfer

Sec. 5. (a) If either Boone superior court does not have jurisdiction of any action or proceeding filed in the superior court or the Boone circuit court does not have jurisdiction of any action or proceeding filed in the circuit court but under this chapter the jurisdiction is in one (1) of the other courts, the court in which the action or proceeding was filed shall certify the case and the papers to the proper court, which shall proceed as if the case were originally filed in the proper court. The transfer shall be made by order entered on the order book of the court transferring the action or proceeding and shall be docketed in the court to which it was transferred without a transcript.

(b) If any action, case, proceeding, or matter transferred under this section is taken on change of venue to the court of another county, or if the cause is appealed to the court of appeals or supreme court from

any order, ruling, judgment, or decree, the clerk on request or praecipe of the party taking the change of venue or appeal shall make a certified transcript of the proceedings in each court, and the transcript has the same force and effect and gives the court to which it is taken on change of venue or appeal the same jurisdiction as though the transcript originally had been made when the actions, causes, cases, proceedings, and matters were transferred from one (1) court to the other.

As added by P.L.98-2004, SEC.12.

IC 33-33-6-6

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-6-7

Jurisdiction

Sec. 7. (a) Subject to this section, the Boone superior courts have the same jurisdiction as the Boone circuit court.

(b) Only the circuit court has juvenile jurisdiction.

(c) Except as provided in IC 31-30-1-1, only Boone superior court No. 1 has probate jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-6-8

Small claims and misdemeanor division

Sec. 8. The Boone superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-7

Chapter 7. Brown County

IC 33-33-7-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Brown County constitutes the eighty-eighth judicial circuit.

(b) The Brown circuit court has a standard small claims and misdemeanor division.

(c) The judge of the Brown circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-8

Chapter 8. Carroll County

IC 33-33-8-1

Judicial circuit

Sec. 1. (a) Carroll County constitutes the seventy-fourth judicial circuit.

(b) The Carroll circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-8-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Carroll superior court.

(b) The Carroll superior court is a standard superior court as described in IC 33-29-1.

(c) Carroll County comprises the judicial district of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-8-3

Judge; location of court sessions

Sec. 3. The Carroll superior court has one (1) judge who shall hold sessions in the Carroll County courthouse in Delphi or in other places in the county as the Carroll County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-8-4

Jurisdiction

Sec. 4. The Carroll superior court has the same jurisdiction as the Carroll circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-8-5

Small claims and misdemeanor division

Sec. 5. The Carroll superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-9

Chapter 9. Cass County

IC 33-33-9-1

Judicial circuit

Sec. 1. Cass County constitutes the twenty-ninth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-9-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as Cass superior court No. 1 and Cass superior court No. 2.

(b) Each Cass superior court is a standard superior court as described in IC 33-29-1.

(c) Cass County comprises the judicial district of each superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-9-3

Judges; location of court sessions

Sec. 3. Each Cass superior court has one (1) judge who shall hold sessions in the Cass County courthouse in Logansport or in other places in the county as the board of county commissioners of Cass County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-9-4

Clerk and sheriff

Sec. 4. The clerk of the Cass circuit court shall serve as the clerk of each Cass superior court, and the sheriff of Cass County shall serve as the sheriff of each Cass superior court. They shall attend the courts and perform the same duties relating to their offices as they are required to do with respect to the Cass circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-9-5

Jurisdiction

Sec. 5. (a) Cass superior court No. 1 has the same jurisdiction as the Cass circuit court, except that only the circuit court has juvenile jurisdiction.

(b) Cass superior court No. 2 has the same jurisdiction as Cass superior court No. 1.

As added by P.L.98-2004, SEC.12.

IC 33-33-9-6

Small claims and misdemeanor division

Sec. 6. Each Cass superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-10

Chapter 10. Clark County

IC 33-33-10-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-2

Appointment; magistrates

Sec. 2. (a) Clark County constitutes the fourth judicial circuit.

(b) The judges of the Clark circuit court and Clark superior court may jointly appoint two (2) full-time magistrates under IC 33-23-5 to serve the circuit and superior courts.

(c) A magistrate continues in office until removed by the judges of the Clark circuit and superior courts.

As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.215.

IC 33-33-10-3

Establishment of superior courts; qualifications of judges

Sec. 3. (a) There are established three (3) superior courts in Clark County, each of which consists of one (1) judge, who shall hold the judge's office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified.

(b) To be eligible to hold office as a judge of Clark superior court, a person must be:

(1) a resident of Clark County; and

(2) admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-4

Names; jurisdiction; judicial powers; seal

Sec. 4. (a) The superior courts shall be known as Clark superior court No. 1, Clark superior court No. 2, and Clark superior court No. 3, and the county of Clark shall constitute the judicial district of each court.

(b) Each superior court shall be a court of record having the same jurisdiction as the circuit court. A judge of the superior court has the same powers relating to the conduct of business of the court as the judge of the circuit court.

(c) Each court shall have a seal containing the words "Clark Superior Court _____ (insert "No. 1", "No. 2", or "No. 3") of Clark County, Indiana".

(d) Clark superior court No. 3 has a standard small claims and misdemeanor docket.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-5

Rules

Sec. 5. Each judge of a superior court may make and adopt rules and regulations for conducting the business of the judge's court, not repugnant to Indiana law.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-6

Judicial powers

Sec. 6. Each judge of a superior court has the same power to grant restraining orders and injunctions, to issue writs of habeas corpus and of mandate and prohibition, to appoint receivers, master commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers necessary to facilitate and transact the business of the court as is conferred on circuit courts or the judges of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-7

Location of court sessions

Sec. 7. Each superior court of Clark County shall hold its sessions at the courthouse of the county, or at other convenient places as the court designates in the county. The county commissioners shall provide suitable quarters for each court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-8

Books, papers, and records of courts

Sec. 8. The clerk, under the direction of a judge of the superior court, shall provide order books, judgment dockets, execution dockets, fee books, and such other books, papers and records as are necessary for that court, and all books, papers, and proceedings of that court shall be kept distinct and separate from those of other courts, and the records of all civil cases separate and apart from the records of juvenile matters.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-9

Bailiff

Sec. 9. Each judge of a superior court shall appoint a bailiff for the court, whose salary shall be fixed and paid as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-10

Court reporter

Sec. 10. Each judge of a superior court shall appoint a court reporter, whose duties, salary, and term, shall be regulated in the same manner as the court reporter of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-11

Law governing practice and procedure

Sec. 11. All laws governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the courts established under this chapter.

As added by P.L.98-2004, SEC.12. Amended by P.L.118-2007, SEC.23.

IC 33-33-10-12

Process of court

Sec. 12. The process of each superior court must have the seal affixed and be attested, directed, served, and returned, and be in form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-13

Change of venue; transfer of case

Sec. 13. When an affidavit for a change of venue is filed in a superior court for any of the causes described in IC 34-35-1-1(1), IC 34-35-1-1(2), IC 34-35-1-1(6), or IC 34-35-1-1(7):

(1) a judge of a circuit court or superior court or a competent attorney shall be called to hear and determine the cause as provided by law for changes of venue in causes pending in the circuit court; or

(2) the cause may be certified to the Clark circuit court or a Clark superior court, in the discretion of the judge of the superior court. The original papers shall be transferred to the court. A transcript is not necessary. The circuit court has jurisdiction to hear and determine the cause and render judgment.

If the cause alleged in the affidavit is embraced in IC 34-35-1-1(3), IC 34-35-1-1(4), and IC 34-35-1-1(5), the change shall be granted, and the cause directed to the circuit or superior court of another county, as provided in cases of changes of venue from the circuit court, and the court to which the case is sent has jurisdiction to hear and determine the cause and render judgment.

As added by P.L.98-2004, SEC.12.

IC 33-33-10-14

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-10-15

Transfer of actions; judge of one court sitting in another

Sec. 15. (a) The judge of the Clark circuit court may, with the consent of a judge of the superior court, transfer any action or proceeding from the circuit court to that superior court. The judge of

a superior court may, with the consent of the judge of the circuit court, transfer any action or proceeding from that superior court to the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, transfer any action or proceeding from that superior court to the other superior court.

(b) The judge of the Clark circuit court may, with the consent of the judge of the superior court, sit as a judge of that superior court in any matter, as if the judge were an elected judge of that superior court. The judge of a superior court may, with consent of the judge of the circuit court, sit as a judge of the circuit court as if the judge were an elected judge of the circuit court. The judge of a superior court may, with the consent of the judge of the other superior court, sit as judge of the other superior court as if the judge were the elected judge of that superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-11

Chapter 11. Clay County

IC 33-33-11-1

Judicial circuit

Sec. 1. Clay County constitutes the thirteenth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-11-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Clay superior court.

(b) The Clay superior court is a standard superior court as described in IC 33-29-1.

(c) Clay County comprises the judicial district of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-11-3

Judge; location of court sessions

Sec. 3. The Clay superior court has one (1) judge who shall hold sessions in the Clay County courthouse in Brazil or in other places in the county as the board of county commissioners of Clay County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-11-4

Rules

Sec. 4. The judges of the Clay superior court and Clay circuit court may jointly, in accordance with the Indiana Rules of Trial Procedure, establish local rules for governing their courts, including rules for distribution of cases over which the judges have concurrent jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-11-5

Jurisdiction

Sec. 5. The Clay superior court has the same jurisdiction as the Clay circuit court, except that only the circuit court has juvenile and probate jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-11-6

Small claims and misdemeanor division

Sec. 6. The Clay superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-12

Chapter 12. Clinton County

IC 33-33-12-1

Judicial circuit

Sec. 1. Clinton County constitutes the forty-fifth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-12-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Clinton superior court.

(b) The Clinton superior court is a standard superior court as described in IC 33-29-1.

(c) Clinton County comprises the judicial district of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-12-3

Judge; location of court sessions

Sec. 3. The Clinton superior court has one (1) judge who shall hold sessions in the Clinton County courthouse in Frankfort or in other places in the county as the Clinton County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-12-4

Jurisdiction

Sec. 4. The Clinton superior court has the same jurisdiction as the Clinton circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-12-5

Small claims and misdemeanor division

Sec. 5. The Clinton superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-13

Chapter 13. Crawford County

IC 33-33-13-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Crawford County constitutes the seventy-seventh judicial circuit.

(b) The Crawford circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-14

Chapter 14. Daviess County

IC 33-33-14-1

Judicial circuit

Sec. 1. Daviess County constitutes the forty-ninth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-14-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Daviess superior court.

(b) The Daviess superior court is a standard superior court as described in IC 33-29-1.

(c) Daviess County comprises the judicial district of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-14-3

Judge; location of court sessions

Sec. 3. The Daviess superior court has one (1) judge who shall hold sessions in the Daviess County courthouse in Washington or in other places in the county as the Daviess County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-14-4

Jurisdiction

Sec. 4. The Daviess superior court has the same jurisdiction as the Daviess circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-14-5

Small claims and misdemeanor division

Sec. 5. The Daviess superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-15

Chapter 15. Dearborn County

IC 33-33-15-1

Judicial circuit

Sec. 1. (a) Dearborn County and Ohio County constitute the seventh judicial circuit.

(b) The judge of the Dearborn and Ohio circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.10.

IC 33-33-15-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as the:

(1) Dearborn superior court No. 1; and

(2) Dearborn superior court No. 2.

(b) Each Dearborn superior court is a standard superior court as described in IC 33-29-1.

(c) Dearborn County comprises the judicial district of each superior court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.2.

IC 33-33-15-3

Judges; location of court sessions

Sec. 3. Each Dearborn superior court has one (1) judge who shall hold sessions in:

(1) the Dearborn County courthouse in Lawrenceburg; or

(2) other places in the county as the Dearborn County executive may provide.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.3.

IC 33-33-15-4

Personnel

Sec. 4. In addition to a bailiff and an official court reporter for the court appointed under IC 33-29-1-5, each judge may appoint a referee, a commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, a commissioner, or other person:

(1) shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court; and

(2) shall be paid monthly out of the treasury of Dearborn County as provided by law.

Personnel appointed under this section or IC 33-29-1-5 continue in office until removed by the judge of the court for which the personnel were appointed.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.4.

IC 33-33-15-5

Jurisdiction

Sec. 5. (a) Except as provided in subsection (b), each Dearborn superior court has the same jurisdiction as the Dearborn circuit court.

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.
As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.5.

IC 33-33-15-6

Small claims and misdemeanor divisions

Sec. 6. Each Dearborn superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.6.

IC 33-33-16

Chapter 16. Decatur County

IC 33-33-16-1

Judicial circuit

Sec. 1. Decatur County constitutes the sixty-ninth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-16-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Decatur superior court.

(b) The Decatur superior court is a standard superior court as described in IC 33-29-1.

(c) Decatur County comprises the judicial district of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-16-3

Judge; location of court sessions

Sec. 3. The Decatur superior court has one (1) judge who shall hold sessions in:

(1) the Decatur County courthouse in Greensburg; or

(2) other places in the county that the Decatur County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-16-4

Jurisdiction

Sec. 4. The Decatur superior court has the same jurisdiction as the Decatur circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-16-5

Small claims and misdemeanor division

Sec. 5. The Decatur superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-17

Chapter 17. DeKalb County

IC 33-33-17-1

Judicial circuit

Sec. 1. DeKalb County constitutes the seventy-fifth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-17-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as the DeKalb superior court No. 1 and the DeKalb superior court No. 2.

(b) Each DeKalb superior court is a standard superior court as described in IC 33-29-1.

(c) DeKalb County comprises the judicial district of each superior court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.7.

IC 33-33-17-3

Judges; location of court sessions

Sec. 3. Each DeKalb superior court has one (1) judge who shall hold sessions in:

(1) the DeKalb County courthouse in Auburn; or

(2) other places in the county as the board of county commissioners of DeKalb County may provide.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.8.

IC 33-33-17-4

Change of venue

Sec. 4. (a) If:

(1) the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding on a change of venue from another county; and

(2) the papers described in subdivision (1) contain an order of the court from which venue was changed designating the circuit court or one (1) of the superior courts as the court to which the case is to be transferred;

the clerk shall file the action or proceeding on the docket of the designated court.

(b) If:

(1) the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding on a change of venue from another county; and

(2) the papers described in subdivision (1) do not contain an order designating the court to which the case is to be transferred;

the clerk shall alternately file each action or proceeding on the docket of the circuit court or the docket of one (1) of the superior courts, depending on the order and sequence in which the papers of the cases reach the clerk, so that if the first case is assigned to the circuit court, the next must be assigned to the superior court No. 1, and the next must be assigned to the superior court No. 2.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.9.

IC 33-33-17-5

Repealed

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-17-6

Jurisdiction

Sec. 6. Each DeKalb superior court has the same jurisdiction as the DeKalb circuit court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.10.

IC 33-33-17-7

Small claims and misdemeanor division

Sec. 7. Each DeKalb superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.11.

IC 33-33-18

Chapter 18. Delaware County

IC 33-33-18-1

Judicial circuit

Sec. 1. Delaware County constitutes the forty-sixth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-2

Jurisdiction; dockets

Sec. 2. (a) The Delaware circuit court is a court of general jurisdiction with five (5) judges. The divisions of the court shall be known as Delaware circuit court No. 1, No. 2, No. 3, No. 4, and No. 5. The county of Delaware constitutes the judicial district of the court and each of the court's divisions. The court shall maintain the following dockets:

- (1) Small claims.
- (2) Minor offenses and violations.
- (3) Criminal.
- (4) Juvenile.
- (5) Civil.
- (6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court. However, Delaware circuit court No. 4 and Delaware circuit court No. 5 shall each have a standard small claims and misdemeanor docket.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-3

Presiding judge

Sec. 3. The judges of the Delaware circuit court shall select from among themselves a presiding judge of the court. The presiding judge shall be selected for a minimum term of twelve (12) months.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-4

Concerted action of judges; majority rule

Sec. 4. When action of the entire court is required, including selection of a presiding judge under section 3 of this chapter and adoption of rules under section 6 of this chapter, the judges of the court shall act in concert. If the judges disagree, the decision of the majority of the judges controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-5

Presiding judge; duties

Sec. 5. In accordance with rules adopted by the judges of the Delaware circuit court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially.
- (2) Annually submit to the fiscal body of Delaware County a budget for the court, including amounts necessary for the following:
 - (A) Operation of the Delaware circuit court's probation department.
 - (B) Defense of indigents.
 - (C) Maintenance of an adequate law library.
- (3) Make appointments or selections required of a circuit or superior court judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-6

Rules for administration of court

Sec. 6. (a) The judges of the Delaware circuit court shall adopt rules to provide for the administration of the court, including rules governing the following:

- (1) Allocation of case load.
- (2) Legal representation for indigents.
- (3) Budgetary matters of the court.
- (4) Operation of the probation department.
- (5) Term of administration of the presiding judge.
- (6) Employment and management of court personnel.
- (7) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The court shall file with the division of state court administration a copy of the rules adopted under this section.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-7

Personnel

Sec. 7. (a) Each judge of the Delaware circuit court may, subject to the budget approved for the court by the fiscal body of Delaware County, employ personnel necessary for the proper administration of the judge's docket.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the court; and
- (2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 6 of this chapter.

(c) A commissioner is entitled to practice law in any division of the court in which the commissioner does not have appointive judicial authority. A commissioner has judicial authority only in the division of the court presided over by the judge who appointed the commissioner.

As added by P.L.98-2004, SEC.12.

IC 33-33-18-8

Court administrator

Sec. 8. (a) The Delaware circuit court may appoint a court administrator subject to the budget approved for the court by the fiscal body of Delaware County.

(b) A court administrator appointed under this section is subject to the rules concerning employment and management of court personnel adopted by the court under section 6 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-19

Chapter 19. Dubois County

IC 33-33-19-1

Judicial circuit

Sec. 1. Dubois County constitutes the fifty-seventh judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-19-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Dubois superior court.

(b) The Dubois superior court is a standard superior court as described in IC 33-29-1.

(c) Dubois County comprises the judicial district of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-19-3

Judge; location of court sessions

Sec. 3. The Dubois superior court has one (1) judge who shall hold sessions in:

(1) the Dubois County courthouse in Jasper; or

(2) other places in the county as the board of county commissioners of Dubois County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-19-4

Clerk and sheriff

Sec. 4. The clerk of the Dubois circuit court shall serve as the clerk of the Dubois superior court, and the sheriff of Dubois County shall serve as the sheriff of the Dubois superior court. They shall attend the court and perform the same duties relating to their offices as they are required to do with respect to the Dubois circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-19-5

Jurisdiction

Sec. 5. The Dubois superior court has the same jurisdiction as the Dubois circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-19-6

Small claims and misdemeanor division

Sec. 6. The Dubois superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-20

Chapter 20. Elkhart County

IC 33-33-20-1

Judicial circuit

Sec. 1. Elkhart County constitutes the thirty-fourth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-20-2

Magistrates

Sec. 2. (a) The judges of the Elkhart circuit and superior courts may jointly appoint two full-time magistrates under IC 33-23-5 to serve the circuit and superior courts.

(b) A magistrate continues in office until removed by the judges of the circuit and superior courts.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2006, SEC.503.

IC 33-33-20-3

Establishment of standard superior court

Sec. 3. (a) There is established a court of record to be known as the Elkhart superior court.

(b) The Elkhart superior court is a standard superior court as described in IC 33-29-1.

(c) Elkhart County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-20-4

Judges; location of court sessions

Sec. 4. The Elkhart superior court has six (6) judges. Four (4) of the judges of the court shall hold sessions in the Elkhart County courts building in Elkhart. Two (2) of the judges of the court shall hold sessions in an appropriate place in Goshen selected by the county commissioners.

As added by P.L.98-2004, SEC.12.

IC 33-33-20-5

Rules

Sec. 5. The judges of the Elkhart superior court may make rules for conducting the business of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-20-6

Jurisdiction

Sec. 6. The Elkhart superior court has the same jurisdiction as the Elkhart circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-20-7

Small claims and misdemeanor division

Sec. 7. The Elkhart superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-21

Chapter 21. Fayette County

IC 33-33-21-1

Judicial circuit

Sec. 1. Fayette County constitutes the seventy-third judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-21-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Fayette superior court.

(b) The Fayette superior court is a standard superior court as described in IC 33-29-1.

(c) Fayette County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-21-3

Judge; location of court sessions

Sec. 3. The Fayette superior court has one (1) judge who shall hold sessions in:

(1) the Fayette County courthouse in Connorsville; or

(2) other places in the county as the Fayette County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-21-4

Jurisdiction

Sec. 4. The Fayette superior court has the same jurisdiction as the Fayette circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-21-5

Small claims and misdemeanor division

Sec. 5. The Fayette superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-22

Chapter 22. Floyd County

IC 33-33-22-1

Judicial circuit; magistrate

Sec. 1. (a) Floyd County constitutes the fifty-second judicial circuit.

(b) The judges of the Floyd circuit court and Floyd superior courts may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Floyd circuit and superior courts.

As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.217; P.L.82-2010, SEC.1.

IC 33-33-22-2

Establishment of standard superior courts

Sec. 2. (a) There are established three (3) courts of record to be known as the Floyd superior court No. 1, Floyd superior court No. 2, and Floyd superior court No. 3.

(b) Except as provided in section 3 of this chapter, each Floyd superior court is a standard superior court as described in IC 33-29-1.

(c) Floyd County comprises the judicial district of each court.

As added by P.L.98-2004, SEC.12. Amended by P.L.82-2010, SEC.2.

IC 33-33-22-3

Judges; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) Each Floyd superior court has one (1) judge, who shall be elected at the general election every six (6) years in Floyd County. A judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.218; P.L.82-2010, SEC.3.

IC 33-33-22-4

Location of court sessions

Sec. 4. Each Floyd superior court shall hold its sessions in:

(1) the Floyd County courthouse in New Albany; or

(2) other places in the county as the board of county commissioners of Floyd County may provide.

As added by P.L.98-2004, SEC.12. Amended by P.L.82-2010, SEC.4.

IC 33-33-22-5

Jurisdiction

Sec. 5. Each Floyd superior court has the same jurisdiction as the Floyd circuit court, except that only:

(1) the circuit court has jurisdiction over probate and trust matters; and

(2) the circuit court and Floyd superior court No. 3 have

concurrent juvenile jurisdiction.

As added by P.L.98-2004, SEC.12. Amended by P.L.82-2010, SEC.5.

IC 33-33-22-6

Repealed

(Repealed by P.L.234-2007, SEC.220.)

IC 33-33-22-7

Small claims and misdemeanor division

Sec. 7. Each Floyd superior court has a standard small claims and misdemeanor division.

As added by P.L.234-2007, SEC.219. Amended by P.L.82-2010, SEC.6.

IC 33-33-23

Chapter 23. Fountain County

IC 33-33-23-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Fountain County constitutes the sixty-first judicial circuit.

(b) The Fountain circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-24

Chapter 24. Franklin County

IC 33-33-24-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Franklin County constitutes the thirty-seventh judicial circuit.

(b) There are two (2) judges of the Franklin circuit court.

(c) The Franklin circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.11.

IC 33-33-24-2

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-25

Chapter 25. Fulton County

IC 33-33-25-1

Judicial circuit

Sec. 1. Fulton County constitutes the forty-first judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-25-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Fulton superior court.

(b) The Fulton superior court is a standard superior court as described in IC 33-29-1.

(c) Fulton County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-25-3

Judge; location of court sessions

Sec. 3. The Fulton superior court has one (1) judge who shall hold sessions in:

(1) the Fulton County courthouse in Rochester; or

(2) other places in the county as the Fulton County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-25-4

Jurisdiction

Sec. 4. The Fulton superior court has the same jurisdiction as the Fulton circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-25-5

Small claims and misdemeanor division

Sec. 5. The Fulton superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-26

Chapter 26. Gibson County

IC 33-33-26-1

Judicial circuit

Sec. 1. Gibson County constitutes the sixty-sixth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-26-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Gibson superior court.

(b) The Gibson superior court is a standard superior court as described in IC 33-29-1.

(c) Gibson County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-26-3

Judge; location of court sessions

Sec. 3. The Gibson superior court has one (1) judge who shall hold sessions in:

(1) the Gibson County courthouse in Princeton; or

(2) other places in the county as the board of county commissioners of Gibson County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-26-4

Jurisdiction

Sec. 4. The Gibson superior court has the same jurisdiction as the Gibson circuit court, except that only the circuit court has juvenile and probate jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-26-5

Small claims and misdemeanor division

Sec. 5. The Gibson superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-27

Chapter 27. Grant County

IC 33-33-27-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-2

Judicial circuit

Sec. 2. Grant County constitutes the forty-eighth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-3

Superior court judicial district

Sec. 3. Grant County constitutes the Grant superior court judicial district.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-4

Judge of superior court; term; election; vacancy

Sec. 4. (a) The term of the judge of the Grant superior court is six (6) years beginning on the first day of January following the judge's election.

(b) The voters of Grant County every six (6) years at a general election shall elect a person as judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-5

Location of court sessions

Sec. 5. The Grant superior court shall hold its sessions in Marion.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-6

Clerk and sheriff

Sec. 6. The clerk of the Grant circuit court and the sheriff of Grant County shall serve as the clerk and sheriff of the Grant superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-7

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-27-8

Entries in dockets and records

Sec. 8. The clerk of the Grant circuit court shall enter all judgments rendered in, executions issued from, and papers filed in the Grant superior court in the same judgment and execution dockets, lis pendens records, and other dockets and records, except order

books, as are used for judgments and executions and proceedings of the Grant circuit court. The clerk shall note whether any judgment or proceeding is a judgment or proceeding of the Grant circuit or Grant superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27-9

Jurisdiction

Sec. 9. The Grant superior court has the same jurisdiction as the Grant circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2

Chapter 27.2. Grant County Superior Court No. 2

IC 33-33-27.2-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-2

Establishment of court; judge; term; election

Sec. 2. The Grant superior court No. 2, is established as a court of record. The court consists of one (1) judge, who shall hold office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified. Every six (6) years, the voters of Grant County shall elect at the general election a judge for the Grant superior court No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-3

Judicial district; court of record; seal

Sec. 3. Grant County constitutes the judicial district of the Grant superior court No. 2. The court shall have a seal containing the words "Grant Superior Court No. 2, of Grant County, Indiana".

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-4

Bailiff and court reporter

Sec. 4. The judge of the Grant superior court No. 2 shall appoint a bailiff and an official court reporter for the court, to serve at the pleasure of the court. The judge shall fix their compensation as provided by law concerning bailiffs and official court reporters. The compensation shall be paid monthly out of the treasury of Grant County.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-5

Location of court sessions

Sec. 5. (a) The Grant superior court No. 2, shall hold its sessions in a place to be determined by the county council of Grant County.

(b) The board of county commissioners of Grant County shall provide and maintain in the courthouse a suitable and convenient courtroom for the holding of court, together with a suitable and convenient jury room and offices for the judge and the official court reporter.

(c) The board of county commissioners shall provide all necessary furniture and equipment for the rooms and offices of the court, and all necessary dockets, books, and records for the court. The county council shall make the necessary appropriations from the general fund of the county to carry out this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-6

Jurisdiction

Sec. 6. The Grant superior court No. 2 has the same jurisdiction as the Grant circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-7

Judicial powers

Sec. 7. The judge of the Grant superior court No. 2 may make and adopt rules and regulations for conducting the business of the Grant superior court No. 2. The judge has all powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt, and the power to enforce the judge's orders. The judge may administer oaths, solemnize marriages, take and certify acknowledgments of deeds, give all necessary certificates for the authentication of records and proceedings of the court, and make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.2-8

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-27.2-9

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-27.3

Chapter 27.3. Grant County Superior Court No. 3

IC 33-33-27.3-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-2

Establishment; seal; judicial district

Sec. 2. (a) There is established a court of record to be known as the Grant superior court No. 3 (referred to as "the court" in this chapter).

(b) The court may have a seal containing the words "Grant Superior Court No. 3, Grant County, Indiana".

(c) Grant County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-3

Judge; election; term; qualifications

Sec. 3. (a) The court has one (1) judge who shall be elected at the general election every six (6) years in Grant County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as a judge of the court, a person must be:

(1) a resident of Grant County;

(2) less than seventy (70) years of age at the time of taking office; and

(3) admitted to the practice of law in Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-4

Jurisdiction

Sec. 4. The court has the same jurisdiction as the Grant circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-5

Judicial powers

Sec. 5. The judge of the court:

(1) has the same powers relating to the conduct of the business of the court as the judges of the Grant circuit court, Grant superior court, and Grant superior court No. 2; and

(2) may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-6

Bailiff and court reporter

Sec. 6. (a) The judge of the court shall appoint a bailiff and an official court reporter for the court.

(b) The salaries of the bailiff and the official court reporter shall be:

(1) fixed in the same manner as the salaries of the bailiff and official court reporter for the Grant circuit court, Grant superior court, and Grant superior court No. 2; and

(2) paid monthly out of the treasury of Grant County as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-7

Books and dockets of court

Sec. 7. The clerk of the court, under the direction of the judge of the court, shall provide:

(1) order books;

(2) judgment dockets;

(3) execution dockets;

(4) fee books; and

(5) other books for the court;

that shall be kept separately from the books and papers of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-8

Location of court sessions

Sec. 8. (a) The court shall hold its sessions in:

(1) the Grant County courthouse in Marion; or

(2) other places in the county that the Grant County executive provides.

(b) The Grant County executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary.

(c) The Grant County fiscal body shall appropriate sufficient funds for the provision and maintenance of the rooms and facilities.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-9

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-27.3-10

Transfer of actions and proceedings

Sec. 10. (a) The judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2 may, with the consent of the judge of the court, transfer any action or proceeding from the Grant circuit court, Grant superior court, or Grant superior court No. 2 to the court.

(b) The judge of the court may, with the consent of the judge of the Grant circuit court, Grant superior court, or Grant superior court

No. 2, transfer any action or proceeding from the court to the Grant circuit court, Grant superior court, or Grant superior court No. 2.
As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-11

Sitting of judges

Sec. 11. (a) The judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2 may, with the consent of the judge of the court, sit as judge of the court in any matter as if an elected judge of the court.

(b) The judge of the court may, with the consent of the judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2, sit as a judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2 in any matter as if an elected judge of the Grant circuit court, Grant superior court, or Grant superior court No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-27.3-12

Small claims and misdemeanor division

Sec. 12. (a) The court has a standard small claims and misdemeanor division.

(b) Notwithstanding IC 33-29-2-4, the small claims docket has jurisdiction over the following:

(1) Civil actions in which the amount sought or value of the property sought to be recovered is not more than six thousand dollars (\$6,000). The plaintiff in a statement of claim or the defendant in a counterclaim may waive the excess of any claim that exceeds six thousand dollars (\$6,000) in order to bring the claim within the jurisdiction of the small claims docket.

(2) Possessory actions between landlord and tenant in which the rent due at the time the action is filed does not exceed six thousand dollars (\$6,000).

(3) Emergency possessory actions between a landlord and tenant under IC 32-31-6.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2007, SEC.218.

IC 33-33-28

Chapter 28. Greene County

IC 33-33-28-1

Judicial district

Sec. 1. Greene County constitutes the sixty-third judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-28-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Greene superior court.

(b) The Greene superior court is a standard superior court as described in IC 33-29-1.

(c) Greene County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-28-3

Judge; location of court sessions

Sec. 3. The Greene superior court has one (1) judge who shall hold sessions in:

(1) the Greene County courthouse in Bloomfield; or

(2) other places in the county as the Greene County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-28-4

Jurisdiction

Sec. 4. The Greene superior court has the same jurisdiction as the Greene circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-28-5

Small claims and misdemeanor division

Sec. 5. The Greene superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-29

Chapter 29. Hamilton County

IC 33-33-29-1

Judicial circuit

Sec. 1. Hamilton County constitutes the twenty-fourth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-29-2

Establishment of standard superior courts

Sec. 2. (a) There are established six (6) superior courts of record to be known as the:

- (1) Hamilton superior court No. 1;
- (2) Hamilton superior court No. 2;
- (3) Hamilton superior court No. 3;
- (4) Hamilton superior court No. 4;
- (5) Hamilton superior court No. 5; and
- (6) Hamilton superior court No. 6.

(b) Except as otherwise provided in this chapter, each Hamilton superior court is a standard superior court as described in IC 33-29-1.

(c) Hamilton County constitutes the judicial district of each court.
As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.12.

IC 33-33-29-3

Judges; location of court sessions

Sec. 3. Each Hamilton superior court has one (1) judge who shall hold sessions in:

- (1) the Hamilton County courthouse in Noblesville; or
- (2) another convenient and suitable place provided by the board of county commissioners.

As added by P.L.98-2004, SEC.12.

IC 33-33-29-4

Personnel

Sec. 4. In addition to the personnel that may be appointed under IC 33-29-1-5, the judge of each Hamilton superior court may appoint other personnel necessary to facilitate and transact the business of the court. The other necessary personnel shall serve at the pleasure of the court, and the judge shall fix their compensation within the limits and in the manner provided by law concerning other personnel of the court. The compensation shall be paid monthly out of the treasury of Hamilton County in the manner provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-29-5

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-29-6

Appointment; magistrates

Sec. 6. The judges of the Hamilton superior court may jointly appoint two (2) full-time magistrates under IC 33-23-5. A magistrate continues in office until removed by the judges of the superior court. *As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.212.*

IC 33-33-29-7

Jurisdiction

Sec. 7. Each Hamilton superior court has concurrent jurisdiction, both original and appellate, with the Hamilton circuit court in all civil actions and proceedings at law and in equity, in all juvenile matters, and in all criminal and probate matters, actions, and proceedings of which the Hamilton circuit court has jurisdiction. *As added by P.L.98-2004, SEC.12.*

IC 33-33-29-8

Small claims and misdemeanor divisions

Sec. 8. The:

- (1) Hamilton superior court No. 4;
- (2) Hamilton superior court No. 5; and
- (3) Hamilton superior court No. 6;

each have a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.13.

IC 33-33-30

Chapter 30. Hancock County

IC 33-33-30-1

Judicial circuit

Sec. 1. Hancock County constitutes the eighteenth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-30-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) superior courts of record to be known as the Hancock superior court No. 1 and the Hancock superior court No. 2.

(b) Except as otherwise provided in this chapter, each Hancock superior court is a standard superior court as described in IC 33-29-1.

(c) Hancock county comprises the judicial district of each court.
As added by P.L.98-2004, SEC.12.

IC 33-33-30-3

Judges; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) Each of court consists of one (1) judge who holds office for six (6) years, beginning on January 1 after the judge's election and until the judge's successor is elected and qualified. Every six (6) years, the voters of Hancock County shall elect at the general election a judge for each superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-30-4

Location of court sessions

Sec. 4. Hancock superior court No. 1 and Hancock superior court No. 2 shall each hold sessions in the Hancock County courthouse in Greenfield.

As added by P.L.98-2004, SEC.12.

IC 33-33-30-5

Powers

Sec. 5. In addition to the powers described in IC 33-29-1-4, the judges of Hancock superior court No. 1 and Hancock superior court No. 2 may make and adopt rules and regulations for conducting the business of Hancock superior court No. 1 and Hancock superior court No. 2 and have all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempt, and the enforcement of the courts' orders. The judge of each superior court may make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-30-6

Transfer of actions and proceedings

Sec. 6. Notwithstanding the provisions of any statute applying generally to superior or circuit courts, a judge of the:

- (1) Hancock circuit court;
- (2) Hancock superior court No. 1; or
- (3) Hancock superior court No. 2;

may transfer an action or proceeding from the Hancock circuit court or a Hancock superior court to the Hancock circuit court or another Hancock superior court with the consent of the judge of the court that would receive the action or proceeding.

As added by P.L.98-2004, SEC.12.

IC 33-33-30-7

Change of venue

Sec. 7. (a) Change of venue from the judge or from the county may be had under the same terms, conditions, and procedure applicable to changes of venue from the judge or the county in circuit courts.

(b) If a cause is received by the clerk of the Hancock circuit court on change of venue from another county, the cause may be docketed in either the Hancock circuit court, Hancock superior court No. 1, or Hancock superior court No. 2, under rules adopted by the judges of the Hancock circuit court, Hancock superior court No. 1, and Hancock superior court No. 2, unless otherwise provided in the order, report of striking, or entry made in the cause in the county from which the change of venue was taken, in which case it shall be docketed as provided in the entry, report, or order.

As added by P.L.98-2004, SEC.12.

IC 33-33-30-8

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-30-9

Jurisdiction

Sec. 9. Hancock superior court No. 1 and Hancock superior court No. 2 have the same jurisdiction as the Hancock circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-30-10

Small claims and misdemeanor division

Sec. 10. Hancock superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-31

Chapter 31. Harrison County

IC 33-33-31-1

Judicial circuit

Sec. 1. Harrison County constitutes the third judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-31-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Harrison superior court.

(b) The Harrison superior court is a standard superior court as described in IC 33-29-1.

(c) Harrison County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-31-3

Judge; location of court sessions

Sec. 3. The Harrison superior court has one (1) judge who shall hold sessions in:

(1) the Harrison County courthouse in Corydon; or

(2) other places in the county as the Harrison County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-31-4

Jurisdiction

Sec. 4. The Harrison superior court has the same jurisdiction as the Harrison circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-31-5

Small claims and misdemeanor division

Sec. 5. The Harrison superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-32

Chapter 32. Hendricks County

IC 33-33-32-1

Judicial circuit

Sec. 1. Hendricks County constitutes the fifty-fifth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-32-2

Establishment of standard superior courts

Sec. 2. (a) There are established five (5) superior courts of record to be known as:

- (1) Hendricks superior court No. 1;
- (2) Hendricks superior court No. 2;
- (3) Hendricks superior court No. 3;
- (4) Hendricks superior court No. 4; and
- (5) Hendricks superior court No. 5.

(b) Except as otherwise provided in this chapter, each Hendricks superior court is a standard superior court as described in IC 33-29-1.

(c) Hendricks County comprises the judicial district of each court.
As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.14.

IC 33-33-32-3

Judges; location of court sessions

Sec. 3. Each Hendricks superior court has one (1) judge who shall hold sessions in the Hendricks County courthouse in Danville.
As added by P.L.98-2004, SEC.12.

IC 33-33-32-4

Transfers of cases

Sec. 4. Notwithstanding IC 33-29-1-9, an action, a cause, a case, a proceeding, or other matter filed in the Hendricks circuit court or a Hendricks superior court established by this chapter may be transferred by the court in which it is filed to either of the other courts by transferring all original papers filed with the consent of the court to which it is transferred.

As added by P.L.98-2004, SEC.12.

IC 33-33-32-5

Change of venue

Sec. 5. (a) Change of venue from the judge or from the county may be had under the same terms, conditions, and procedure applicable to changes of venue from the judge or the county in circuit courts.

(b) If a cause is received by the clerk of the Hendricks circuit court on change of venue from another county, the cause shall be docketed on a rotating basis and assigned alternately to the:

- (1) Hendricks circuit court;
- (2) Hendricks superior court No. 1;

- (3) Hendricks superior court No. 2;
- (4) Hendricks superior court No. 3;
- (5) Hendricks superior court No. 4; and
- (6) Hendricks superior court No. 5;

unless otherwise provided in the order or entry made in the cause in the county from which the change of venue was taken, in which case it shall be docketed as provided in the entry or order.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.15.

IC 33-33-32-6

Powers

Sec. 6. In addition to the powers described in IC 33-29-1-4, the judge of each Hendricks superior court may make and adopt rules and regulations for continuing business of the court. Each judge has the powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt and the power to enforce the judge's orders. Each judge may make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-32-7

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-32-8

Jurisdiction

Sec. 8. (a) Each Hendricks superior court has original and concurrent jurisdiction with the Hendricks circuit court in all civil actions and proceedings at law and in equity, and actions for dissolution or annulment of marriage, and in all criminal cases and proceedings. However, none of the Hendricks superior courts have the jurisdiction of a juvenile court.

(b) Each Hendricks superior court has original and concurrent jurisdiction with the Hendricks circuit court in all appeals or reviews from boards of county commissioners or other executive or administrative agencies and all other appellate jurisdiction vested in the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-32-9

Small claims and misdemeanor divisions

Sec. 9. Each Hendricks superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-33

Chapter 33. Henry County

IC 33-33-33-1

Judicial circuit

Sec. 1. Henry County constitutes the fifty-third judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-33-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) superior courts of record to be known as Henry superior court No. 1 and Henry superior court No. 2.

(b) Except as otherwise provided in this chapter, each Henry superior court is a standard superior court as described in IC 33-29-1.

(c) Henry county comprises the judicial district of each court.
As added by P.L.98-2004, SEC.12.

IC 33-33-33-3

Judge; location of court sessions

Sec. 3. Each Henry superior court has one (1) judge who shall hold sessions in:

(1) the Henry County courthouse in New Castle; or

(2) other places in the county as the Henry County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-33-4

Change of venue

Sec. 4. (a) Change of venue from the judge of a Henry superior court or from the county may be had under the same terms, conditions, and procedure applicable to changes of venue from the judge or the county in circuit courts.

(b) If a case is received by the clerk of the Henry circuit court on change of venue from another county, the case shall be docketed in the Henry circuit court unless otherwise provided in the order or entry made in the cause in the county from which the change of venue was taken, in which case it shall be docketed as provided in the entry or order.

(c) The Henry circuit court may issue a general order transferring cases venued to the Henry circuit court from other counties to Henry superior court No. 1 or Henry superior court No. 2. A general order issued under this subsection may be amended by the circuit court.
As added by P.L.98-2004, SEC.12.

IC 33-33-33-5

Sitting of judges

Sec. 5. The judge of a Henry superior court may, with the consent of the judge of the other Henry superior court, sit as a judge of the other court in any manner as if elected as the judge of the other court.

As added by P.L.98-2004, SEC.12.

IC 33-33-33-6

Jurisdiction

Sec. 6. The Henry superior courts have the same jurisdiction as the Henry circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-33-7

Small claims and misdemeanor division

Sec. 7. Henry superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-34

Chapter 34. Howard County

IC 33-33-34-1

Repealed

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-2

Judicial circuit

Sec. 2. Howard County constitutes the sixty-second judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-34-3

Establishment of standard superior courts

Sec. 3. (a) There are established four (4) superior courts of record to be known as the Howard superior court No. 1, the Howard superior court No. 2, the Howard superior court No. 3, and the Howard superior court No. 4.

(b) Except as otherwise provided in this chapter, each Howard superior court is a standard superior court, as described in IC 33-29-1.

(c) Howard county comprises the judicial circuit of each court.
As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.16.

IC 33-33-34-4

Repealed

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-5

Repealed

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-6

Judges; location of court sessions

Sec. 6. Each Howard superior court has one (1) judge, who shall hold its sessions in:

- (1) the Howard County courthouse in Kokomo; or
- (2) another convenient and suitable place as the board of county commissioners of Howard County provides.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.17.

IC 33-33-34-7

Court rules and regulations

Sec. 7. The judges of the superior court may make and adopt rules and regulations for conducting the business of the court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.18.

IC 33-33-34-8**Repealed**

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-9**Repealed**

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-10**Repealed**

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-11**Repealed**

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-12**Additional personnel**

Sec. 12. Each judge may appoint additional officers and personnel as is necessary for the proper administration of the judge's duties as judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-34-13**Rules; presiding judge**

Sec. 13. (a) The court shall adopt rules to provide for the operation and conduct of the court.

(b) The court shall designate one (1) of the judges as presiding judge who shall serve in that capacity for three (3) years, at the end of which another judge shall be selected to serve as presiding judge for the same period. The presiding judge shall ensure that the court operates efficiently and judicially.

As added by P.L.98-2004, SEC.12.

IC 33-33-34-14**Action by entire court**

Sec. 14. When any action of the entire court is required, the judges of the court shall act in concert. If there is a disagreement, the decision of the presiding judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-34-15**Repealed**

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-16**Repealed**

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-17

Repealed

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-34-18**Jurisdiction**

Sec. 18. (a) The Howard superior court has original and concurrent jurisdiction with the circuit court in all civil actions and proceedings at law and in equity, probate and guardianship proceedings, actions for divorce, separation, annulment of marriage, and in all criminal cases and proceedings. However, the superior court does not have the jurisdiction of a juvenile court or judge, as described in IC 33-23-7.

(b) The Howard superior court has original and concurrent jurisdiction in all appeals or reviews from boards of county commissioners, other executive or administrative agencies or inferior courts, and all other appellate jurisdictions vested in the circuit court.
As added by P.L.98-2004, SEC.12.

IC 33-33-34-19**Small claims and misdemeanor division**

Sec. 19. The Howard superior court No. 3 has a standard small claims and misdemeanor division.

As added by P.L.237-2005, SEC.19.

IC 33-33-34.3

Repealed

(Repealed by P.L.237-2005, SEC.25.)

IC 33-33-35

Chapter 35. Huntington County

IC 33-33-35-1

Judicial circuit

Sec. 1. Huntington County constitutes the fifty-sixth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-35-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Huntington superior court.

(b) Except as otherwise provided in this chapter, the Huntington superior court is a standard superior court as described in IC 33-29-1.

(c) Huntington County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-35-3

Judge; location of court sessions

Sec. 3. The Huntington superior court has one (1) judge who shall hold sessions in:

(1) the Huntington County courthouse in Huntington; or

(2) other places in the county as the Huntington County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-35-4

Personnel

Sec. 4. (a) In addition to the personnel appointed under IC 33-29-1-5, the Huntington superior court may appoint a referee and other personnel as the court determines necessary to facilitate and transact the business of the court.

(b) Salaries of the personnel described in this section shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Huntington circuit court. Their salaries shall be paid out of the treasury of Huntington County as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-35-5

Jurisdiction

Sec. 5. The Huntington superior court has the same jurisdiction as the Huntington circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-35-6

Small claims and misdemeanor division

Sec. 6. The Huntington superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-36

Chapter 36. Jackson County

IC 33-33-36-1

Judicial circuit

Sec. 1. Jackson County constitutes the fortieth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-36-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Jackson superior court.

(b) The Jackson superior court is a standard superior court as described in IC 33-29-1.

(c) Jackson County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-36-3

Judges; location of court sessions

Sec. 3. The Jackson superior court has two (2) judges.
As added by P.L.98-2004, SEC.12. Amended by P.L.234-2007, SEC.213.

IC 33-33-36-4

Jurisdiction

Sec. 4. The Jackson superior court has the same jurisdiction as the Jackson circuit court.
As added by P.L.98-2004, SEC.12.

IC 33-33-36-5

Small claims and misdemeanor division

Sec. 5. The Jackson superior court has a standard small claims and misdemeanor division.
As added by P.L.98-2004, SEC.12.

IC 33-33-37

Chapter 37. Jasper County

IC 33-33-37-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Jasper County constitutes the thirtieth judicial circuit.

(b) The Jasper circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as Jasper superior court No. 1.

(b) Except as otherwise provided in this chapter, the Jasper superior court No. 1 is a standard superior court as described in IC 33-29-1.

(c) Jasper County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-3

Judge; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Jasper superior court has one (1) judge, who shall be elected at the general election every six (6) years in Jasper County. The judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-4

Location of court sessions

Sec. 4. The judge of the Jasper superior court No. 1 shall hold sessions in the Jasper County courthouse in Rensselaer or in other places in the county as the board of county commissioners of Jasper County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-5

Rules

Sec. 5. (a) The judge of Jasper superior court No. 1 shall adopt rules to provide for the administration of the Jasper superior court, including rules governing the following:

- (1) Legal representation for indigents.
- (2) Budgetary matters of the Jasper superior court.
- (3) Operation of the probation department.
- (4) Employment and management of court personnel.
- (5) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The judge of the Jasper superior court shall file with the division of state court administration a copy of the rules adopted

under this section.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-6

Personnel

Sec. 6. (a) In addition to the personnel described in IC 33-29-1-5, the judge of the Jasper superior court No. 1 may, subject to the budget approved for the court by the fiscal body of Jasper County, employ personnel necessary for the proper administration of the court.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the court; and
- (2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 5 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-7

Jurisdiction

Sec. 7. The Jasper superior court No. 1 has the same jurisdiction as the Jasper circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-37-8

Small claims and misdemeanor division

Sec. 8. The Jasper superior court No. 1 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-38

Chapter 38. Jay County

IC 33-33-38-1

Judicial circuit

Sec. 1. Jay County constitutes the fifty-eighth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-38-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Jay superior court.

(b) The Jay superior court is a standard superior court as described in IC 33-29-1.

(c) Jay County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-38-3

Judge; location of court sessions

Sec. 3. The Jay superior court has one (1) judge who shall hold sessions in:

(1) the Jay County courthouse in Portland; or

(2) other places in the county as the Jay County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-38-4

Jurisdiction

Sec. 4. The Jay superior court has the same jurisdiction as the Jay circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-38-5

Small claims and misdemeanor division

Sec. 5. The Jay superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-39

Chapter 39. Jefferson County

IC 33-33-39-1

Judicial circuit

Sec. 1. Jefferson County constitutes the fifth judicial circuit.

As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.13.

IC 33-33-39-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Jefferson superior court.

(b) The Jefferson superior court is a standard superior court as described in IC 33-29-1.

(c) Jefferson County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-39-3

Judge; location of court sessions

Sec. 3. The Jefferson superior court has one (1) judge who shall hold sessions in Madison.

As added by P.L.98-2004, SEC.12.

IC 33-33-39-4

Jurisdiction

Sec. 4. The Jefferson superior court is a court of general jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-39-5

Small claims and misdemeanor division

Sec. 5. The Jefferson superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-40

Chapter 40. Jennings County

IC 33-33-40-1

Judicial circuit

Sec. 1. (a) Jennings County constitutes the eighty-sixth judicial circuit.

(b) The Jennings circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-40-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Jennings superior court.

(b) The Jennings superior court is a standard superior court as described in IC 33-29-1.

(c) Jennings County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-40-3

Judge; location of court sessions

Sec. 3. The Jennings superior court has one (1) judge who shall hold sessions in:

(1) the Jennings County courthouse in Vernon; or

(2) another place in the county as the Jennings County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-40-4

Jurisdiction

Sec. 4. The Jennings superior court has the same jurisdiction as the Jennings circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-40-5

Small claims and misdemeanor division

Sec. 5. The Jennings superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-41

Chapter 41. Johnson County

IC 33-33-41-1

Judicial circuit

Sec. 1. Johnson County constitutes the eighth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-41-2

Magistrate

Sec. 2. (a) The judges of the Johnson circuit and superior courts may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve both the circuit and superior courts.

(b) The magistrate continues in office until removed by the judges of the Johnson circuit and superior courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-41-3

Establishment of standard superior courts

Sec. 3. (a) There are established three (3) courts of record to be known as the Johnson superior court No. 1, Johnson superior court No. 2, and Johnson superior court No. 3.

(b) Except as otherwise provided in this chapter, each Johnson superior court is a standard superior court as described in IC 33-29-1.

(c) Johnson County comprises the judicial district of each court.
As added by P.L.98-2004, SEC.12.

IC 33-33-41-4

Judges; location of court sessions

Sec. 4. (a) The Johnson superior court No. 1 and Johnson superior court No. 2 each have one (1) judge who shall hold sessions in the Johnson County courthouse in Franklin.

(b) The Johnson superior court No. 3 has one (1) judge who shall hold sessions in a place to be determined and provided by the board of county commissioners of Johnson County.

As added by P.L.98-2004, SEC.12.

IC 33-33-41-5

Transfer of actions and proceedings

Sec. 5. The judge of a Johnson superior court may, with the consent of the judge of another Johnson superior court, transfer any action or proceeding from the superior court to the other superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-41-6

Sitting of judges

Sec. 6. The judge of a Johnson superior court may, with the consent of the judge of another Johnson superior court, sit as the judge of the other superior court in any matter as if the judge of the

superior court were an elected judge of the other superior court.
As added by P.L.98-2004, SEC.12.

IC 33-33-41-7

Jurisdiction

Sec. 7. Each Johnson superior court has concurrent jurisdiction, both original and appellate, with the Johnson circuit court in all civil actions and proceedings at law and in equity, and in all criminal and probate matters, actions, and proceedings of which the Johnson circuit court has jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-41-8

Small claims and misdemeanor division

Sec. 8. The Johnson superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-42

Chapter 42. Knox County

IC 33-33-42-1

Judicial circuit

Sec. 1. Knox County constitutes the twelfth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-42-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as Knox superior court No. 1 and Knox superior court No. 2.

(b) Except as otherwise provided in this chapter, each Knox superior court is a standard superior court as described in IC 33-29-1.

(c) Knox County constitutes the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-42-3

Judges; location of court sessions

Sec. 3. Each Knox superior court has one (1) judge who shall hold sessions:

(1) in the Knox County courthouse in Vincennes; or

(2) at other places in the county as the county executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-42-4

Transfer of actions and proceedings

Sec. 4. The judge of the Knox circuit court may, with the consent of the judge of a superior court, transfer any action or proceeding from the circuit court to the superior court. The judge of a superior court may, with the consent of the judge of the circuit or other superior court, transfer any action or proceeding from that superior court to the circuit or other superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-42-5

Sitting of judges

Sec. 5. The judge of a superior court may, with the consent of the judge of the circuit or other superior court, sit as a judge of the circuit or other superior court in any matter as if the judge of the superior court was an elected judge of the circuit or other superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-42-6

Jurisdiction

Sec. 6. (a) Except as provided in subsection (b), the Knox superior courts have the same jurisdiction as the Knox circuit court.

(b) The Knox superior courts have exclusive juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-42-7

Small claims and misdemeanor divisions

Sec. 7. Each Knox superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-43

Chapter 43. Kosciusko County

IC 33-33-43-1

Judicial circuit

Sec. 1. Kosciusko County constitutes the fifty-fourth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-43-2

Establishment of standard superior courts

Sec. 2. (a) There is established a court of record, which consists of three (3) judges, to be known as the "Superior Court of Kosciusko County". The court shall have a seal containing the words "Superior Court No. 1 of Kosciusko County, Indiana", "Superior Court No. 2 of Kosciusko County, Indiana", or "Superior Court No. 3 of Kosciusko County, Indiana".

(b) Except as otherwise provided in this chapter, the superior court of Kosciusko county is a standard superior court as described in IC 33-29-1.

(c) Kosciusko County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-43-3

Judges; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) A judge of the superior court of Kosciusko county shall hold office for a term of six (6) years, beginning on the first day of January after election, and until a successor is elected and qualified. Every six (6) years, the voters of Kosciusko County shall elect at the general election judges for the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-43-4

Location of court sessions

Sec. 4. The superior court of Kosciusko County shall hold its sessions:

(1) in the Kosciusko County courthouse in Warsaw; or

(2) at another place in Warsaw as the board of county commissioners may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-43-5

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-43-6

Jurisdiction

Sec. 6. The superior court of Kosciusko County has the same jurisdiction as the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-43-7

Small claims and misdemeanor divisions

Sec. 7. Superior court No. 2 of Kosciusko County and superior court No. 3 of Kosciusko County each have a standard small claims and misdemeanor docket.

As added by P.L.98-2004, SEC.12.

IC 33-33-44

Chapter 44. LaGrange County

IC 33-33-44-1

Judicial circuit

Sec. 1. LaGrange County constitutes the thirty-fifth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-44-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the LaGrange superior court.

(b) The LaGrange superior court is a standard superior court as described in IC 33-29-1.

(c) LaGrange County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-44-3

Judge; location of court sessions

Sec. 3. The court has one (1) judge who shall hold sessions in:

(1) the LaGrange County courthouse in the town of LaGrange;
or

(2) other places in the county as the LaGrange County executive may provide.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2010, SEC.133.

IC 33-33-44-4

Jurisdiction

Sec. 4. The LaGrange superior court has the same jurisdiction as the LaGrange circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-44-5

Small claims and misdemeanor division

Sec. 5. The LaGrange superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-45

Chapter 45. Lake County

IC 33-33-45-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-2

Judicial circuit

Sec. 2. (a) Lake County constitutes the thirty-first judicial circuit.

(b) The judge of the Lake circuit court may appoint two (2) full-time magistrates under IC 33-23-5 to serve the Lake circuit court. One (1) of the magistrates shall serve the domestic relations counseling bureau established under IC 31-12-2. The judge shall specify the duties of a magistrate appointed under this subsection. A magistrate continues in office until removed by the judge of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-3

Establishment of superior court

Sec. 3. There is established a superior court in Lake County (referred to as "the court" in this chapter).

As added by P.L.98-2004, SEC.12.

IC 33-33-45-4

Name

Sec. 4. The court shall be known as the superior court of Lake County.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-5

Seal

Sec. 5. The court shall have a seal consisting of a circular disk containing the words "superior court of Lake County, Indiana" and "seal" and a design as the court may determine, an impression of which shall be spread of record upon the order book of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-6

Jurisdiction

Sec. 6. (a) The court has:

- (1) the same jurisdiction as the Lake circuit court in all civil and probate cases and matters whether original or appellate;
- (2) original exclusive jurisdiction of all felony cases;
- (3) original concurrent jurisdiction of all misdemeanor cases, infraction cases, and ordinance violation cases;
- (4) appellate jurisdiction in criminal cases as is vested in the circuit court; and

(5) original exclusive juvenile jurisdiction.

(b) Notwithstanding IC 31-30-1-2, the juvenile court has exclusive jurisdiction over a child who:

(1) has been taken into custody in the county; and

(2) has allegedly committed an act that would be a misdemeanor traffic offense if committed by an adult.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-7

Court of record; force and effect of judgments and orders

Sec. 7. (a) The court is a court of record.

(b) The court's judgments, decrees, orders, and proceedings:

(1) have the same force and effect; and

(2) shall be enforced in the same manner;

as those of the Lake circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-8

Power and authority of court

Sec. 8. (a) The court:

(1) may make and adopt rules and regulations for conducting the business of the court; and

(2) has all the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders.

(b) The judges may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-9

Additional court powers

Sec. 9. The court has the same power to grant restraining orders and injunctions, to issue writs of habeas corpus, to appoint receivers, masters, and commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers necessary to facilitate and transact the business of the court as is conferred on circuit courts or the judges of the circuit courts in counties where there is no criminal court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-10

Magistrates of criminal division

Sec. 10. (a) The judges of the criminal division may appoint two (2) full-time magistrates under IC 33-23-5 to serve the criminal division. A magistrate appointed under this subsection continues in office until removed by the judges of the criminal division.

(b) The judges of the civil division may appoint two (2) full-time magistrates under IC 33-23-5 to serve the civil division. A magistrate

appointed under this subsection continues in office until removed by the judges of the civil division.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-11

Magistrates

Sec. 11. (a) The judge of division No. 1, division No. 2, and division No. 3 of the court may each appoint one (1) full-time magistrate under IC 33-23-5 to serve as the court requires. A magistrate appointed under this section:

- (1) must be a resident of the county; and
- (2) continues in office until removed by the judge that the magistrate serves.

(b) The appointment of a magistrate under this section must be in writing.

(c) The judge may specifically determine the duties of the magistrate within the limits established under IC 33-23-5.

(d) The county executive shall provide and maintain suitable facilities for the use of the magistrate, including necessary furniture and equipment.

(e) The court shall employ administrative staff necessary to support the functions of the magistrates.

(f) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

(g) A magistrate is entitled to annual compensation as established under IC 33-23-5-10. The state shall pay the salary set under IC 33-23-5-10.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-12

Personnel

Sec. 12. (a) The senior judge of each division may appoint the number of bailiffs, court reporters, probation officers, and other personnel as the senior judge believes is necessary to judicially and efficiently facilitate and transact the business of the division. All appointments shall be made without regard to the political affiliation of the appointees. The salaries of the court personnel shall be fixed and paid as provided by law. The officers and persons appointed shall:

- (1) perform the duties prescribed by the senior judge of each respective division; and
- (2) serve at the pleasure of the senior judge.

(b) The court shall appoint an administrative officer who has the duties the court determines are necessary to ensure the efficient operation of the court. The court may appoint the number of deputy administrative officers as the court considers necessary to facilitate and transact the business of the court. Any appointment of an administrative officer or deputy administrative officer shall be made without regard to the political affiliation of the appointees. The salaries of the administrative officer and any deputy administrative

officer shall be fixed by the court, to be paid out of the county treasury by the county auditor, upon the order of the court, and entered of record. Any administrative officer or deputy administrative officer appointed by the court shall:

- (1) operate under the jurisdiction of the chief judge; and
- (2) serve at the pleasure of the chief judge.

(c) The court may appoint part-time juvenile referees and magistrates as provided by IC 31-31-3.

(d) The court may appoint the number of probate commissioners provided for by IC 29-2-2. The probate commissioners shall be vested with the powers and duties provided by IC 29.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-13

Location of court sessions

Sec. 13. The court shall hold continuous sessions in places in Lake County as the court periodically determines. The board of county commissioners of Lake County shall:

- (1) provide and maintain:
 - (A) suitable and convenient courtrooms for the holding of the court, together with suitable and convenient jury rooms and offices for the judges and other court officers and personnel; and
 - (B) other facilities as may be necessary; and
- (2) provide all necessary furniture and equipment for rooms and offices of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-14

Books, papers, and records

Sec. 14. The clerk of the Lake circuit court, under the direction of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books, papers, and records that are necessary for the court, and all books, papers, and proceedings of the court shall be kept distinct and separate from those of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-15

Order books

Sec. 15. The court shall maintain an order book at each location of the court and the order books may be signed on behalf of the court by any of the judges of the court, and the signature constitutes authentication of the actions of each of the judges in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-16

Laws and rules governing the court

Sec. 16. All Indiana laws and rules adopted by the supreme court governing the circuit courts apply to the superior court. However:

- (1) a person other than a judge of the superior court of Lake

County may not serve as a special judge when a change of judge is requested from the superior court of Lake County;

(2) a judge of the superior court of Lake County may not receive compensation other than regular salary for serving as a special judge where the change of venue from the judge was granted by the superior court of Lake County;

(3) the statutes and rules governing the records, procedures, and practices of county courts apply to the county division of the court; and

(4) there is no change of venue from the county as of right in cases in the county division of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-17

Appeals

Sec. 17. Any party may appeal from any order or judgment of the court in any case where an appeal may be had from a similar order or judgment of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-18

Process of court

Sec. 18. The process of the court shall have the seal affixed and be attested, directed, served, and returned, and be in the form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-19

Chief judge; senior judge

Sec. 19. (a) The court, by rules adopted by the court, shall designate one (1) of the judges as chief judge and shall fix the time that the chief judge presides. The chief judge is responsible for the efficient operation and conduct of the court.

(b) The judges of each division of the court, in accordance with the rules adopted by the judges of that division, shall designate a judge as the senior judge of that division and fix the time that the senior judge serves.

(c) The senior judge of each division shall report to the chief judge as to how the division should best judicially operate.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-20

Action of entire court

Sec. 20. When an action of the entire court is required, the judges of the court shall act in concert. If there is a disagreement, the decision of a majority of the judges controls. However, if the judges are evenly divided, the decision joined by the chief judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-21

Divisions of court; assignment of judges

Sec. 21. (a) The court is divided into civil (including probate), criminal, county, and juvenile divisions. The work of the court shall be divided among the divisions by the rules of the court.

(b) Seven (7) judges comprise the civil division. Four (4) judges comprise the criminal division. Four (4) judges comprise the county division. One (1) judge comprises the juvenile division. However, the court by rule may alter the number of judges assigned to a division other than the county division of the court if the court determines that the change is necessary for the efficient operation of the court.

(c) The court by rule may reassign a judge of the court from one (1) division to another if the court determines that the change is necessary for the efficient operation of the court. The court by rule shall establish a rotation schedule providing for the rotation of judges through the various divisions. The rotation schedule may be used if a judge determines that an emergency exists. However, a senior judge of any division or a judge of the county division may not be reassigned or rotated to another division under this subsection.

(d) The chief judge of the court may assign a judge in one (1) division of the court to hear a case originating in another division of the court, and may reassign cases from one (1) judge to another, if the chief judge determines that the change is necessary for the efficient operation of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-22**Transfer of actions from circuit court**

Sec. 22. The judge of the Lake circuit court may, with the consent of the court, transfer any action, cause, or proceeding filed and docketed in the Lake circuit court to the court by transferring all original papers and instruments filed in the action, cause, or proceeding and without further transcript, to be redocketed and disposed of as if originally filed with the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-23**Transfer of actions to circuit court**

Sec. 23. Any judge of the court may, with the consent of the judge of the Lake circuit court, transfer any civil action, cause or proceeding filed and docketed in the court to the Lake circuit court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript thereof to be redocketed and disposed of as if originally filed with the Lake circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-24**Authority of circuit judge to sit in superior court**

Sec. 24. The judge of the Lake circuit court may sit as a judge of

the court, with the court's permission, in the civil division, without limitation and without any further order, in the same manner as if the circuit court judge were a judge of the court with all the rights and powers as if the circuit court judge were a duly appointed judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-25

Incumbent judges; retention; election

Sec. 25. (a) Unless the judge is a judge of the county division, at the general election immediately preceding the expiration of a judge's extended term the question of that judge's retention in office or rejection shall be submitted to the electorate of Lake County under section 42 of this chapter. Thereafter, unless rejected by the electorate, each judge shall serve successive terms as provided in section 41(b) of this chapter.

(b) A judge of the county division may serve a successive term if elected to serve a successive term under section 43 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-26

Number of judges

Sec. 26. The superior court of Lake County consists of sixteen (16) judges plus the Lake circuit court judge if the circuit court judge chooses to sit on the superior court of Lake County.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-27

Judicial nominating commission; establishment

Sec. 27. (a) There is established a judicial nominating commission for the superior court of Lake County, the functions, responsibilities, and procedures of which are set forth in sections 28 through 37 of this chapter.

(b) The board of county commissioners of Lake County shall provide all facilities, equipment, supplies, and services as may be necessary for the administration of the duties imposed upon the commission. The members of the commission shall serve without compensation. However, the board of county commissioners of Lake County shall reimburse members of the commission for actual expenses incurred in performing their duties.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-28

Judicial nominating commission; membership

Sec. 28. (a) The judicial nominating commission (referred to in this chapter as the commission) consists of nine (9) members, the majority of whom form a quorum. The chief justice of the supreme court (or a justice of the supreme court or judge of the court of appeals designated by the chief justice) shall be a member and shall act as chairman.

(b) Under sections 30 and 31 of this chapter, those admitted to the practice of law and residing in Lake County shall elect four (4) of their members to serve on the commission, subject to the following:

- (1) At least one (1) attorney member must be a minority individual (as defined in IC 21-13-1-6).
- (2) Two (2) attorney members must be women.
- (3) Two (2) attorney members must be men.

(c) The Lake County board of commissioners shall appoint four (4) nonattorney citizens to the commission, subject to the following:

- (1) Each of the three (3) county commissioners shall appoint one (1) nonattorney member who is a resident of the appointing commissioner's district.
- (2) After each county commissioner has had the opportunity to make the county commissioner's appointment, the fourth nonattorney member must be appointed by a majority vote of the Lake County board of commissioners.
- (3) At least one (1) nonattorney member must be a minority individual (as defined in IC 21-13-1-6).
- (4) Two (2) nonattorney members must be women.
- (5) Two (2) nonattorney members must be men.
- (6) Not more than two (2) of such appointees may be from the same political party.

The appointees must reflect the composition of the community. If the Lake County board of commissioners fails to appoint any of the nonattorney commission members within the time required to do so in section 29 of this chapter, the appointment shall be made by the chief justice of the supreme court.

(d) A member of the commission, other than a judge or justice, may not hold any other elected public office. A member may not hold an office in a political party or organization. A nonattorney member of the commission may not hold an elected or salaried public office. A nonattorney member may not be an employee of the state or of a political subdivision of the state.

(e) A member of the commission is not eligible for appointment to a judicial office in Lake County if the member is a member of the commission and for three (3) years thereafter.

(f) If any member of the commission, other than a judge or justice, terminates the member's residence in Lake County, the member is considered to have resigned from the commission.

As added by P.L.98-2004, SEC.12. Amended by P.L.2-2007, SEC.368.

IC 33-33-45-29

Appointment of nonattorney commissioners

Sec. 29. (a) The Lake County board of commissioners shall appoint the four (4) nonattorney members of the commission.

(b) One (1) month before the expiration of a term of office of a nonattorney commissioner, an appointment or reappointment shall be made in accordance with section 28 of this chapter. All appointments made by the Lake County board of commissioners shall be certified

to the secretary of state, the clerk of the supreme court, and the clerk of Lake circuit court within ten (10) days after the appointment.

(c) Each nonattorney member shall be appointed for a term of four (4) years.

(d) Whenever a vacancy occurs in the office of a nonattorney commissioner, the chairman of the commission shall promptly notify the Lake County board of commissioners in writing of such fact. Vacancies in the office of nonattorney commissioners shall be filled by appointment of the Lake County board of commissioners within sixty (60) days after notice of the vacancy is received. The term of the nonattorney commissioner appointed is for the unexpired term of the member whose vacancy the new member has filled.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-30

Election of attorney commissioners

Sec. 30. (a) Those admitted to the practice of law and residing in Lake County (referred to in this chapter as attorney electors) shall elect four (4) of their number to the commission. To be eligible for the office of attorney commissioner, a person must be on the current annual list of attorneys certified to the clerk of the supreme court and must be a resident of Lake County. The term of office of each elected attorney member is four (4) years, commencing on the first day of October following the attorney member's election. The election day is the date on which the ballots are counted and, for purposes of this section, is the first Tuesday in September 1995, and every four (4) years thereafter. Thereafter, during the month before the expiration of each attorney commissioner's term of office, an election shall be held to fill the succeeding four (4) year term of office.

(b) Except when a term of office has less than ninety (90) days remaining, vacancies in the office of an attorney commissioner to the commission shall be filled for the unexpired term of the member creating the vacancy by a special election.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-31

Election procedures

Sec. 31. The attorney members of the commission shall be elected by the following process:

(1) The clerk of the Lake circuit court shall, at least ninety (90) days before the date of election, notify all attorneys in Lake County of the upcoming election by mail, informing them that nominations must be made to the clerk of the circuit court at least sixty (60) days before the election. The clerk shall secure a list of all attorneys and their correct addresses from the clerk of the supreme court.

(2) A nomination in writing, accompanied by a signed petition of ten (10) attorney electors, and the written consent of the qualified nominee shall be filed by any attorney elector or group of attorney electors residing in Lake County, by mail or

otherwise, in the office of the clerk of the Lake circuit court at least sixty (60) days before the election.

(3) The clerk of the Lake circuit court shall prepare and print ballots containing the names and residential addresses of all attorney nominees whose written nominations, petitions, and written statements of consent have been received sixty (60) days before the election.

(A) The ballot shall read:

"SUPERIOR COURT OF LAKE COUNTY
NOMINATING COMMISSION BALLOT

To be cast by individuals residing in Lake County and admitted to the practice of law in Indiana. Vote for not more than four (4) of the following candidates for the term commencing _____.

(Name)(Address)

(Name)(Address)

(etc.) (etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of the Lake circuit court not later than _____.

DESTROY BALLOT IF NOT USED".

(B) The four (4) nominees receiving the most votes whose election does not conflict with the requirements of section 28(b) of this chapter shall be elected.

(4) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting such ballot, certifying that the attorney elector is admitted to the practice of law in Indiana, that the attorney elector resides in Lake County, and that the attorney elector voted the ballot returned. A ballot not accompanied by the signed certificate of the voter shall not be counted.

(5) To maintain the secrecy of each vote, a separate envelope shall be provided by the clerk for the ballot, in which only the voted ballot is to be placed. This envelope shall not be opened until the counting of the ballots.

(6) The clerk of the Lake circuit court shall mail a ballot and its accompanying material to all qualified attorney electors at least two (2) weeks before the date of election.

(7) Upon receiving the completed ballots and the accompanying certificate, the clerk shall ensure that the certificates have been completed in compliance with this chapter. All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots. All accompanying certificates shall be placed in a separate package.

(8) The clerk of the Lake circuit court, with the assistance of the Lake County election board, shall open and canvass all ballots after 4 p.m. on the day of election in the office of the clerk of the Lake circuit court. Ballots received after 4 p.m. may not be counted unless the chairman of the judicial nominating

commission orders an extension of time because of extraordinary circumstances. Upon canvassing the ballots, the clerk shall place all ballots back in their package. These, along with the certificates, shall be retained in the clerk's office for six (6) months, and the clerk shall permit no one to inspect them except upon an order of the supreme court.

(9) In any election held for selection of attorney members of the commission, in case two (2) or more nominees are tied so that one (1) additional vote cast for one (1) of them would give the nominee a plurality, the canvasser shall resolve the tie by lot and the winner of the lot is considered to be elected.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-32

Notification

Sec. 32. After:

- (1) the attorney members of the commission have been elected; and
- (2) the names of the nonattorney commissioners appointed by the governor have been certified to the secretary of state, clerk of the supreme court, and clerk of the Lake circuit court as this chapter provides;

the clerk of the Lake circuit court shall by regular mail notify the members of the commission of their election or appointment and shall notify the chairman of the judicial nominating commission of the same.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-33

Duration in office

Sec. 33. A member of the judicial nominating commission may serve until the member's successor is appointed or elected. An attorney commissioner or a nonattorney commissioner is not eligible for more than two (2) successive reelections or reappointments.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-34

Vacancies; meetings of commission

Sec. 34. (a) When a vacancy occurs in the superior court of Lake County, not including its county division, the clerk of the court shall promptly notify the chairman and each member of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following the notice. The commission shall submit its nominations of three (3) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the governor then serving, but the vacancy has not yet occurred, the clerk shall notify the chairman and each member of the commission immediately of the forthcoming vacancy and the commission may

within fifty (50) days of the notice of the vacancy make its nominations and submit to the governor the names of three (3) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by its chairman, or if the chairman fails to call a necessary meeting, upon the call of any five (5) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any five (5) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the date, time, and place of every meeting unless the commission at its previous meeting designated the date, time, and place of its next meeting.

(c) Meetings of the commission are to be held at the Lake County government center in Crown Point or another place, as the circuit court clerk of Lake County may arrange, at the direction of the chairman of the commission.

(d) The commission may act only at a public meeting. IC 5-14-1.5 applies to meetings of the commission. The commission may not meet in executive session under IC 5-14-1.5-6.1 for the consideration of a candidate for judicial appointment.

(e) The commission may act only by the concurrence of a majority of its members attending a meeting. Five (5) members constitute a quorum at a meeting.

(f) The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties. These rules must provide for the receipt of public testimony concerning the qualifications of candidates for nomination to the governor.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-35

Nominees; requirements of commission

Sec. 35. In selecting the three (3) nominees to be submitted to the governor, the commission shall comply with the following requirements:

(1) The commission shall submit only the names of the three (3) most highly qualified candidates from among all those eligible individuals considered. To be eligible for nomination as a judge of the superior court of Lake County, a person must be domiciled in the county of Lake, a citizen of the United States, and admitted to the practice of law in Indiana.

(2) In abiding by the mandate in subdivision (1), the commission shall evaluate in writing each eligible individual on the following factors:

(A) Law school record, including any academic honors and achievements.

(B) Contribution to scholarly journals and publications, legislative drafting, and legal briefs.

(C) Activities in public service, including:

(i) writings and speeches concerning public or civic affairs

that are on public record, including but not limited to campaign speeches or writings, letters to newspapers, and testimony before public agencies;

(ii) government service;

(iii) efforts and achievements in improving the administration of justice; and

(iv) other conduct relating to the individual's profession.

(D) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(E) Probable judicial temperament.

(F) Physical condition, including age, stamina, and possible habitual intemperance.

(G) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate, patience, decisiveness, and dedication.

(H) Membership on boards of directors, financial interests, and any other consideration that might create conflict of interest with a judicial office.

(I) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(3) These written evaluations shall not be made on an individual until the individual states in writing that the individual desires to hold a judicial office that is or will be created by vacancy.

(4) The political affiliations of any candidate may not be considered by the commission in evaluating and determining which eligible candidates shall be recommended to the governor for a vacancy on the superior court of Lake County.

(5) In determining which eligible candidates are recommended to the governor, the commission shall consider that racial and gender diversity enhances the quality of the judiciary.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-36

List of nominees; public records; submission to governor

Sec. 36. (a) The commission shall submit with the list of three (3) nominees to the governor its written evaluation of the qualifications of each candidate.

(b) The names of the nominees and the written evaluations are public records that may be inspected and copied under IC 5-14-3.

(c) Every eligible candidate whose name was not submitted to the governor shall have access to any evaluation on the candidate by the commission and the right to make such evaluation public.

(d) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1 are excepted from public disclosure, unless the records are prepared for use in the consideration of a candidate for judicial appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-37

Withdrawal of name or list of nominations

Sec. 37. (a) After the commission has nominated and submitted to the governor the names of three (3) persons for appointment to fill a vacancy of the superior court of Lake County:

(1) any name may be withdrawn for cause considered by the commission to be of a substantial nature affecting the nominee's qualifications to hold office; and

(2) another name may be substituted;

before the appointment is made to fill the vacancy.

(b) If a nominee dies or requests in writing that the nominee's name be withdrawn, the commission shall nominate another person to replace the nominee.

(c) If two (2) or more vacancies exist, the commission shall nominate and submit to the governor a list of three (3) different persons for each of the vacancies. The commission may, before an appointment is made, withdraw the lists of nominations, change the names of any persons nominated from one (1) list to another, and resubmit them as changed, or may substitute a new name for any of those previously nominated.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-38

Selection of judges

Sec. 38. (a) A vacancy occurring on the court shall be filled by appointment of the governor from a list of three (3) nominees presented to the governor by the judicial nominating commission. If the governor fails to make an appointment from the list within sixty (60) days after the day it is presented to the governor, the appointment shall be made by the chief justice or the acting chief justice of the supreme court from the same list, or altered list as provided for in section 37 of this chapter.

(b) The governor shall make all appointments to the court without regard to the political affiliation of any of the three (3) nominees submitted to the governor. In the interest of justice, the governor shall consider only those qualifications of the nominees included in section 35 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-39

Lake County judge appointed by governor

Sec. 39. A vacancy occurring on the superior court county division must be filled by appointment of the governor. In the interests of justice, the governor shall consider only those qualifications listed in section 35 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-40

Effective date of appointment

Sec. 40. An appointment by the governor or chief justice, as

required by section 38 or 39 of this chapter, to the superior court of Lake County takes effect immediately if a vacancy exists at the date of the appointment. The appointment takes effect on the date the vacancy is created if a vacancy does not exist at the date of appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-41

Tenure of judges

Sec. 41. (a) Each judge appointed under section 38 of this chapter serves an initial term, which begins on the effective date of the appointment of the judge and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Unless rejected by the electorate of Lake County under section 42 of this chapter, a judge of the civil division, criminal division, and juvenile division shall serve successive six (6) year terms.

(c) The term of office of a judge of the county division of the superior court is six (6) years. A judge appointed under section 39 of this chapter to fill a vacancy in the county division of the Lake superior court serves for the unexpired term of the vacating judge and until the appointed judge's successor is elected and qualified.

(d) Each six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term, as the case may be, and continues for six (6) years.
As added by P.L.98-2004, SEC.12.

IC 33-33-45-42

Submission to electorate; question of retention in office or rejection of judges

Sec. 42. (a) The question of the retention in office or rejection of each judge of the following divisions of the superior court of Lake County shall be submitted to the electorate of Lake County at the general election immediately preceding expiration of the term of the judge:

- (1) Civil division.
- (2) Criminal division.
- (3) Juvenile division.

(b) At the general election, the question of the retention in office or rejection of a judge described in subsection (a) shall be submitted to the electorate of Lake County in the form prescribed by IC 3-11 and must state "Shall Judge (insert name) of the superior court of Lake County be retained in office for an additional term?".

(c) If a majority of the ballots cast by the electors voting on any question is "Yes", the judge whose name appeared on the question shall be approved for a six (6) year term beginning January 1 following the general election as provided in section 41(b) of this chapter.

(d) If a majority of the ballots cast by the electors voting on any question is "No", the judge whose name appeared on the question

shall be rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment by the governor under section 38 of this chapter.

(e) The Lake County election board shall submit the question of the retention in office or rejection of a judge described in subsection (a) to the electorate of Lake County. The submission of the question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(f) If a judge who is appointed does not desire to serve any further term, the judge shall notify in writing the clerk of the Lake circuit court at least sixty (60) days before any general election, in which case the question of that judge's retention in office or rejection shall not be submitted to the electorate, and the office becomes vacant at the expiration of the term.

As added by P.L.98-2004, SEC.12. Amended by P.L.58-2005, SEC.34.

IC 33-33-45-43

County division judge; election

Sec. 43. A judge of the county division of the Lake superior court shall be elected under IC 3-10-2-11 by the electorate of Lake County.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-44

Conditions of office; censure or removal; political party campaigning for or against removal

Sec. 44. (a) A judge of the superior court may not during a term of office as judge of the superior court do any of the following:

- (1) Engage in the practice of law.
- (2) Run for elective office, unless the elective office is that of judge of the county division of the Lake superior court.
- (3) Take part in any political campaign, unless the judge is running for election as judge of the county division and the political campaign is conducted for that office.

(b) Failure to comply with this section is sufficient cause for the commission on judicial qualifications to recommend to the supreme court that the judge be censured or removed.

(c) A political party may not directly or indirectly campaign for or against a judge subject to retention or rejection under this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-45-45

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-46

Chapter 46. LaPorte County

IC 33-33-46-1

Judicial circuit; magistrate

Sec. 1. (a) LaPorte County constitutes the thirty-second judicial circuit.

(b) The judges of the LaPorte circuit court and LaPorte superior court No. 4 may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the LaPorte circuit court and LaPorte superior court No. 4.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-2

Establishment of standard superior courts

Sec. 2. (a) There are established four (4) courts of record to be known as the LaPorte superior courts No. 1, No. 2, No. 3, and No. 4.

(b) Except as otherwise provided in this chapter, the LaPorte superior courts are standard superior courts as described in IC 33-29-1.

(c) LaPorte County comprises the judicial district of the courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-3

Judges; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) Each LaPorte superior court has one (1) judge, who shall be elected at the general election every six (6) years in LaPorte County. Each judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as judge of any of the courts, a person must:

(1) be a resident of LaPorte County; and

(2) be admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-4

Location of court sessions

Sec. 4. LaPorte superior court No. 1 shall hold its sessions in Michigan City. LaPorte superior courts No. 2, No. 3, and No. 4 shall hold sessions in places in the county as the LaPorte County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-5

Magistrate

Sec. 5. (a) The judges of the court may, by a vote of the majority of the judges, appoint one (1) full-time magistrate under IC 33-23-5.

(b) The magistrate appointed under subsection (a) continues in

office until removed by the vote of a majority of the judges of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-6

Transfer of actions and proceedings

Sec. 6. Notwithstanding IC 33-29-1-9, the judge of the LaPorte circuit court may, with the consent of the judge of the receiving court, transfer any action or proceeding from the circuit court to any of the LaPorte superior courts. The judge of any of the LaPorte superior courts may, with consent of the judge of the circuit or another LaPorte superior court, transfer any action or proceeding from the LaPorte superior court to the circuit court or to another LaPorte superior court. However, a judge of LaPorte superior courts No. 3 and No. 4 may not transfer any action or proceeding docketed in the small claims and misdemeanor division to the LaPorte circuit court or LaPorte superior court No. 1 or No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-7

Jurisdiction

Sec. 7. The courts have the same jurisdiction as the LaPorte circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-46-8

Small claims and misdemeanor divisions

Sec. 8. LaPorte superior courts No. 3 and No. 4 each have a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-47

Chapter 47. Lawrence County

IC 33-33-47-1

Judicial circuit

Sec. 1. Lawrence County constitutes the eighty-first judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record in Lawrence County to be known as the Lawrence superior court.

(b) The Lawrence superior court has two (2) judges.

(c) Except as otherwise provided in this chapter, the Lawrence superior court is a standard superior court as described in IC 33-29-1.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-3

Judges; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) A judge of the Lawrence superior court shall be elected every six (6) years at the general election. The term of office begins the first day of January following the judge's election and continues for six (6) years and until the judge's successor is elected and qualified.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-4

Location of court sessions

Sec. 4. The Lawrence superior court shall hold its sessions in:

(1) the Lawrence County courthouse in Bedford; or

(2) another convenient and suitable place as the board of county commissioners of Lawrence County provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-5

Rules

Sec. 5. Each judge of the court may make and adopt rules and regulations for conducting the business of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-6

Personnel

Sec. 6. In addition to the personnel appointed under IC 33-29-1-5, each judge may appoint additional officers and personnel necessary for the proper administration of the judge's duties as judge of the Lawrence superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-7

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-47-8**Jurisdiction**

Sec. 8. (a) Except as provided in subsection (b), the Lawrence superior court has original and concurrent jurisdiction with the Lawrence circuit court in the following:

- (1) All civil actions and proceedings at law and in equity.
- (2) Actions for divorce, separation, or annulment of marriage.
- (3) All criminal cases and proceedings.

(b) The Lawrence superior court does not have the following:

- (1) Jurisdiction of a juvenile court.
- (2) Jurisdiction in probate and other matters provided for by IC 29-1. However, the court has concurrent jurisdiction with the circuit court as to civil actions by or against personal representatives.

(c) The Lawrence superior court has original and concurrent jurisdiction in all appeals or reviews from boards of county commissioners or other executive or administrative agencies or inferior courts and other appellate jurisdiction vested in the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-47-9**Small claims and misdemeanor division**

Sec. 9. The Lawrence superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-48

Chapter 48. Madison County

IC 33-33-48-1

Judicial circuit

Sec. 1. Madison County constitutes the fiftieth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-48-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record in Madison County to be known as the Madison superior court.

(b) The Madison superior court has five (5) judges.

(c) Except as otherwise provided in this chapter, the Madison superior court is a standard superior court as described in IC 33-29-1.
As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.14.

IC 33-33-48-3

Judges; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) A judge of the Madison superior court shall hold office for six (6) years and until the judge's successor has been elected and qualified.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-4

Chief judge

Sec. 4. The Madison superior court may designate by rule one (1) of the judges as chief judge and fix the time the chief judge presides. The chief judge shall be responsible for the operation and conduct of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-5

Location of court sessions

Sec. 5. The Madison superior court shall hold its sessions in the Madison County courthouse or its replacement in Anderson.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-6

Rules

Sec. 6. The judges of the Madison superior court may make rules for conducting the business of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-7

Personnel

Sec. 7. In addition to the personnel appointed under IC 33-29-1-5, the Madison superior court may appoint probation officers and other

personnel, including an administrative officer, necessary to transact the business of the court. The salaries of the personnel shall be fixed and paid as provided by law. However, if the salaries of any of the personnel are not provided by law, the amount and time of payment of the salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor upon the order of the court, and be entered of record. The officers and persons appointed shall perform duties as prescribed by the court. Personnel appointed by the court serve at the pleasure of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-7.5

Magistrates

Sec. 7.5. (a) The judges of the Madison superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the superior court.

(b) The magistrate continues in office until removed by the judges of the superior court.

As added by P.L.246-2005, SEC.221.

IC 33-33-48-8

Jurors

Sec. 8. Notwithstanding IC 33-29-1-8, any judge of the Madison superior court may order the selection and summoning of jurors for the court whenever necessary. Jurors shall serve the entire court and before any judge of the court where their service may be required.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-9

Dockets

Sec. 9. (a) The Madison superior court shall provide that all cases filed in the court be assigned to a particular docket, such as civil, probate, criminal, juvenile, or small claims. The responsibility for processing the cases on each of these dockets shall be assigned to the judges of the court under the rules adopted by the court.

(b) The chief judge may reassign the court dockets from one (1) judge to another and may alter the number of judges responsible for the various dockets where efficiency demands.

As added by P.L.98-2004, SEC.12.

IC 33-33-48-10

Jurisdiction of the superior court

Sec. 10. (a) The Madison superior court has:

- (1) original and appellate jurisdiction, concurrent and coextensive with the Madison circuit court, in all civil, probate, and criminal cases; and
- (2) jurisdiction concurrent and coextensive with the circuit court in all cases of appeal from the board of county commissioners and city courts.

(b) The Madison superior court has original and exclusive

juvenile jurisdiction.

As added by P.L.2-2005, SEC.91.

IC 33-33-48-11

Small claims and misdemeanor division

Sec. 11. Beginning January 1, 2009, the Madison superior court has a standard small claims and misdemeanor division.

As added by P.L.2-2005, SEC.92. Amended by P.L.127-2008, SEC.15.

IC 33-33-49

Chapter 49. Marion County

IC 33-33-49-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-2

Judicial district

Sec. 2. Marion County constitutes the nineteenth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-3

"City-county council" defined

Sec. 3. As used in this chapter, "city-county council" refers to the Indianapolis, Marion County city-county council.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-4

"Clerk" defined

Sec. 4. As used in this chapter, "clerk" refers to the clerk of the Marion superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-5

"Court" defined

Sec. 5. As used in this chapter, "court" refers to the Marion superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-6

Establishment; qualification of judges; residency

Sec. 6. (a) There is established a superior court in Marion County. The court consists of:

(1) thirty-five (35) judges beginning January 1, 2007, and ending December 31, 2008; and

(2) thirty-six (36) judges beginning January 1, 2009.

(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:

(1) a resident of Marion County; and

(2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) During the term of office, a judge of the court must remain a resident of Marion County.

As added by P.L.98-2004, SEC.12. Amended by P.L.80-2006, SEC.12.

IC 33-33-49-7

Name

Sec. 7. The court must be named the Marion superior court.
As added by P.L.98-2004, SEC.12.

IC 33-33-49-8**Seal**

Sec. 8. The court must have a seal consisting of a circular disk containing the words, "Marion Superior Court", "Indiana", and "Seal", and a design as the court may determine, an impression of which must be spread of record upon the order book of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-49-9**Jurisdiction**

Sec. 9. The court has the following jurisdiction:

- (1) Concurrent and coextensive jurisdiction with the Marion circuit court in all cases and upon all subject matters, including civil, criminal, juvenile, probate, and statutory cases and matters, whether original or appellate.
- (2) Original and exclusive jurisdiction in all matters pertaining to the following:
 - (A) The probate and settlement of decedents' estates, trusts, and guardianships.
 - (B) The probate of wills.
 - (C) Proceedings to resist the probate of wills.
 - (D) Proceedings to contest wills.
 - (E) The appointment of guardians, assignees, executors, administrators, and trustees.
 - (F) The administration and settlement of:
 - (i) estates of protected persons (as defined in IC 29-3-1-13) and deceased persons;
 - (ii) trusts, assignments, adoptions, and surviving partnerships; and
 - (iii) all other probate matters.
- (3) Original jurisdiction of all violations of Indiana law. Whenever jurisdiction is by law conferred on a small claims court, the court has the appellate jurisdiction provided by law.
- (4) Original and exclusive juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-10**Court of record; force and effect of judgments, decrees, and orders**

Sec. 10. The court is a court of record. The court's judgments, decrees, orders, and proceedings have the same effect and shall be enforced in the same manner as those of the circuit court.
As added by P.L.98-2004, SEC.12.

IC 33-33-49-11**Power and authority; removal of presiding judge; incidental powers of judges**

Sec. 11. (a) The court may adopt rules for conducting the business of the court. Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.

(b) Action of the court to remove the presiding judge or either associate presiding judge may only be taken by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken.

(c) The court has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempts, and enforcement of the court's orders. The judges may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and to give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-12

Orders, writs, appointments, and commissions

Sec. 12. The court may do the following:

- (1) Grant restraining orders and injunctions.
- (2) Issue writs of habeas corpus.
- (3) Appoint receivers, masters, and commissioners to:
 - (A) convey real property;
 - (B) grant commissions for the examination of witnesses; and
 - (C) appoint other officers necessary to transact the business of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-13

Judge; term; election

Sec. 13. (a) Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) At the primary election held in 2008 and every six (6) years thereafter, a political party may nominate not more than eight (8) candidates for judge of the court. At the primary election held in 2006 and every six (6) years thereafter, a political party may nominate not more than ten (10) candidates for judge of the court. The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(c) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified, shall be placed on the ballot at the general election in the form prescribed by IC 3-11. At the 2008 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for sixteen (16) candidates

for judge of the court. Beginning with the 2006 general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for twenty (20) candidates for judge of the court.

(d) The candidates for judge of the court receiving the highest number of votes shall be elected to the vacancies. The names of the candidates elected as judges of the court shall be certified to the county election board as provided by law.

As added by P.L.98-2004, SEC.12. Amended by P.L.58-2005, SEC.35; P.L.2-2005, SEC.93; P.L.80-2006, SEC.13; P.L.1-2006, SEC.504; P.L.164-2006, SEC.140.

IC 33-33-49-14

Executive committee; divisions of court

Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate four (4) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. The executive committee shall operate and maintain the juvenile detention facilities in the county. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Except for the rotation of the presiding judge as provided in subsection (b), any or all of the members elected to the executive committee may be reelected. Of the four (4) judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the four (4) judges elected to the executive committee shall be elected as presiding judge, and three (3) of the four (4) judges elected to the executive committee shall be elected as associate presiding judges. Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. If a tie vote occurs, the presiding judge shall cast the tiebreaking vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The

executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

As added by P.L.98-2004, SEC.12. Amended by P.L.80-2006, SEC.14; P.L.142-2007, SEC.10.

IC 33-33-49-15 Version a

Powers and duties of executive committee

Note: This version of section effective until 1-1-2011. See also following version of this section, effective 1-1-2011.

Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

IC 33-33-49-15 Version b

Powers and duties of executive committee; appointment and powers of commissioners

Note: This version of section effective 1-1-2011. See also preceding version of this section, effective until 1-1-2011.

Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

(d) Notwithstanding any other law, a commissioner appointed under this chapter has all of the powers and duties prescribed for a magistrate under IC 33-23-5. However, the provisions of IC 33-23-5-11 requiring the state to pay the salary of a magistrate do not require the state to pay the salary of a commissioner appointed under this chapter.

(e) If a commissioner appointed under this chapter is appointed as a magistrate in Marion County, the salary of that magistrate shall be paid by the state under IC 33-23-5-11 in the same amount as other magistrates are paid.

(f) The allocation of appointments of commissioners under this chapter shall be determined by agreement between the judges of the superior court and the judge of the circuit court with consideration given to the case load of each court. However, notwithstanding any other law, at least two (2) of the commissioners appointed under this chapter shall be appointed by the judge of the circuit court.

(g) The:

(1) judge of the circuit court has exclusive authority to appoint

commissioners allocated to the circuit court; and

(2) judges of the superior court have exclusive authority to appoint commissioners allocated to the superior court by a vote of the majority of the judges of the superior court.

(h) Not more than a simple majority of the commissioners appointed under this chapter may be from the same political party.

(i) Commissioners appointed by the:

(1) judge of the circuit court serve at the pleasure of the judge of the circuit court; and

(2) judges of the superior court continue in office until removed by the vote of a majority of the judges of the superior court.

As added by P.L. 98-2004, SEC.12. Amended by P.L. 71-2010, SEC.2.

IC 33-33-49-16

Probate hearing judge; probate commissioner; juvenile referee; bail commissioner; master commissioner; powers and duties

Sec. 16. (a) An appointed probate hearing judge or probate commissioner shall be vested by the judge of the probate division with suitable powers for the handling of all probate matters of the court, including the following:

(1) Fixing of all bonds.

(2) Auditing accounts of estates, guardianships, and trusts.

(3) Accepting reports, accounts, and settlements filed in the court.

(4) Appointing personal representatives, guardians, and trustees.

(5) Probating wills.

(6) Taking or hearing evidence on or concerning matters described in this subsection or any other probate, guardianship, or trust matters in litigation before the court.

(7) Enforcing court rules.

(8) Making reports to the court concerning the judge's or commissioner's doings in the proceedings described in this subsection, including reports concerning the commissioner's findings and conclusions regarding the proceedings.

However, all matters handled by a hearing judge or commissioner under this subsection are under the final jurisdiction and decision of the judge of the probate division.

(b) A juvenile referee appointed by the judge of the juvenile division shall have all suitable powers for the handling of the juvenile matters of the court, including the following:

(1) Fixing of bonds.

(2) Taking and hearing evidence on or concerning juvenile matters in litigation before the court.

(3) Enforcing court rules.

(4) Making reports to the court concerning the juvenile referee's handling of proceedings of the juvenile division of the court.

However, all matters handled by a juvenile referee under this subsection are under final jurisdiction and decision of the judge or judges of the juvenile division designated by rules of the court.

(c) A bail commissioner may fix bonds, including the following:

(1) Determining whether an individual is to be released on the individual's own recognizance in criminal cases and proceedings.

(2) Making reports to the court concerning the bail commissioner's activities.

All matters handled by a bail commissioner under this subsection are under the final jurisdiction and decision of the judge or judges of the criminal division as designated by rules of the court.

(d) For any of the purposes specified in this section, a probate hearing judge, probate commissioner, referee, or bail commissioner may do the following:

(1) Summon witnesses to testify before the probate hearing judge, probate commissioner, referee, or bail commissioner.

(2) Administer oaths and take acknowledgments in connection with duties.

(3) Administer oaths and take acknowledgments generally.

(e) A master commissioner appointed by the court under this section has the powers and duties prescribed for a magistrate under IC 33-23-5-5 through IC 33-23-5-9. A master commissioner shall report the findings in each of the matters before the master commissioner in writing to the judge or judges of the division to which the master commissioner is assigned or as designated by rules of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-17

Sessions of court; facilities

Sec. 17. (a) The court shall hold sessions in:

(1) the city-county building in Indianapolis; and

(2) other places in Marion County as the court determines.

(b) The city-county council shall:

(1) provide and maintain in the building and at other places in Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; and

(2) provide all necessary furniture and equipment for rooms and offices of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-18

Books, papers, and records of court

Sec. 18. The clerk, under the direction of the court, shall provide:

(1) order books;

(2) judgment dockets;

(3) execution dockets;

(4) fee books; and

(5) other books, papers, and records;

as are necessary for the court. All books, papers, and proceedings of the court shall be kept distinct and separate from those of other

courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-19

Single order book

Sec. 19. The court shall maintain a single order book for each division or room of the court that may be signed on behalf of the court by the judge of that division or room of the court. The signature of the judge authenticates the actions of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-20

Laws applicable to court

Sec. 20. All laws of Indiana and rules adopted by the supreme court governing the circuit court in matters of pleadings, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-21

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-49-22

Appeals

Sec. 22. A party may appeal an order or a judgment of the court in any case where an appeal may be had from a similar order or judgment of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-23

Process

Sec. 23. The process of the court must have the seal affixed. The process must be attested, directed, served, returned, and in the form as provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-24

Transfer of cases from circuit court

Sec. 24. The judge of the Marion circuit court may, with the consent of the court acting through the superior court presiding judge under rules adopted by the court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in that action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-25

Transfer of cases to circuit court

Sec. 25. The presiding judge may, with the consent of the judge of the Marion circuit court and under rules adopted by the court, transfer any action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the Marion circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-26

Authority of circuit judge to sit in superior court

Sec. 26. The judge of the Marion circuit court may sit as a judge of the court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the same manner as a judge of the court with all the rights and powers of an elected judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-27

Oath

Sec. 27. Each judge, before entering upon the duties of office, shall take and subscribe the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Indiana and that I will faithfully discharge the duties of judge of the superior court of Marion County to the best of my ability."

The oath shall be filed with the clerk of the county.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-28

Judicial notice

Sec. 28. The court shall take judicial notice of all matters of which courts of general jurisdiction of Indiana are required to take judicial notice. The court shall also take judicial notice of all general ordinances of each city or municipality located in the county.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-29

Costs of appeals

Sec. 29. (a) When an appeal is taken from the court in criminal cases or proceedings under IC 34-28-5 (or IC 34-4-32 before its repeal), the amount of costs charged must be certified as a part of the transcript and charged as part of the costs in the court to which the appeal or proceeding is taken. The costs are in addition to any other clerk's service fee required by law.

(b) All costs charged in the court hearing or in the court trying an appeal must be charged and adjudged upon the hearing or trial in the appeal against a defendant who is convicted or who pleads guilty.

(c) In an appeal under this section, the defendant shall pay a

transcript fee of thirty-five dollars (\$35) before the appeal may be transferred from the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-30

Conditions of continued qualification for office of judge; complaints; retirement; vacancies

Sec. 30. (a) A judge remains qualified to hold office as long as the judge:

- (1) remains fair and impartial in judicial functions;
- (2) maintains a high standard of morality in dealings, public and private;
- (3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and
- (4) continues to reside in Marion County.

(b) Complaints against a judge must be forwarded to the commission on judicial qualifications as provided in IC 33-38-13 by any judge of the superior court.

(c) A judge of the court must retire upon becoming seventy-five (75) years of age. If the judge wishes to retire before the judge's term has ended or upon reaching the mandatory retirement age, the judge shall provide written notice to the presiding judge of the court. The judge shall continue to hold office until a successor has been appointed and qualified.

(d) When a vacancy occurs in the court by death, removal, retirement, or for any other reason, the governor shall appoint a successor judge who serves the balance of the term of the vacating judge. The successor judge must be a member of the same political party as the judge who is to be succeeded.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-31

Magistrate

Sec. 31. (a) The presiding judge may appoint one (1) full-time magistrate under IC 33-23-5.

(b) A magistrate appointed under this section may only hear criminal proceedings.

(c) The magistrate continues in office until removed by the presiding judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-49-32

Appointment of magistrates; transfer of proceeding back to judge

Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint:

- (1) four (4) full-time magistrates under IC 33-23-5 until January 1, 2008, not more than two (2) of whom may be from the same political party; and
- (2) eight (8) full-time magistrates under IC 33-23-5 after

December 31, 2007, not more than four (4) of whom may be from the same political party.

(b) The magistrates continue in office until removed by the vote of a majority of the judges of the court.

(c) A party to a superior court proceeding that has been assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

(1) in a civil case, not later than:

(A) ten (10) days after the pleadings are closed; or

(B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or

(2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.

As added by P.L. 98-2004, SEC. 12. Amended by P.L. 33-2005, SEC. 1; P.L. 80-2006, SEC. 15.

IC 33-33-49-33

Court administrator

Sec. 33. (a) The executive committee elected under section 14 of this chapter shall employ a court administrator to administer the business activities of the court. A court administrator is subject to rules of the court and oversight by the executive committee.

(b) The salary of the court administrator shall be set by the executive committee.

As added by P.L. 98-2004, SEC. 12. Amended by P.L. 33-2005, SEC. 2.

IC 33-33-49-34

Books, papers, and records of the court; forms

Sec. 34. (a) The clerk of the superior court shall furnish the following:

(1) All blanks, forms, and papers required for use in all criminal cases and in all civil actions involving actions by a city or town for violations of municipal penal ordinances.

(2) All books, papers, stationery, furniture, and other equipment and supplies necessary for keeping the records of the proceedings in all rooms of the superior court and for the transaction of all business of the court.

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The presiding judge of the court, by an order entered on the court records signed by the presiding judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by the court and by the officers of the court and the prosecutors.

In the absence of an order under this subsection, those charged with the duty of prosecuting cases involving either criminal offenses or the violation of municipal ordinances may adopt, change, order, and use all necessary forms and instruments as conform substantially to the practice and procedure applicable.

As added by P.L.98-2004, SEC.12.

IC 33-33-50

Chapter 50. Marshall County

IC 33-33-50-1

Judicial circuit

Sec. 1. Marshall County constitutes the seventy-second judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-50-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as the Marshall superior court No. 1 and the Marshall superior court No. 2.

(b) The Marshall superior courts are standard superior courts as described in IC 33-29-1.

(c) Marshall County comprises the judicial district of each court.
As added by P.L.98-2004, SEC.12.

IC 33-33-50-3

Judges; location of court sessions

Sec. 3. The Marshall superior court No. 1 has one (1) judge who shall hold sessions in the Marshall County courthouse in Plymouth. The Marshall superior court No. 2 has one (1) judge who shall hold sessions in a place in the county as the board of county commissioners may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-50-4

Jurisdiction

Sec. 4. The Marshall superior courts have the same jurisdiction as the Marshall circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-50-5

Small claims and misdemeanor division

Sec. 5. The Marshall superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-51

Chapter 51. Martin County

IC 33-33-51-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Martin County constitutes the ninetieth judicial circuit.

(b) The Martin circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-52

Chapter 52. Miami County

IC 33-33-52-1

Judicial circuit

Sec. 1. Miami County constitutes the fifty-first judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-52-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Miami superior court.

(b) The Miami superior court is a standard superior court as described in IC 33-29-1.

(c) Miami County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-52-3

Judges; location of court sessions

Sec. 3. The court has two (2) judges who shall hold sessions in:

(1) the Miami County courthouse in Peru; or

(2) other places in the county as the board of county commissioners of Miami County may provide.

As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.16.

IC 33-33-52-4

Jurisdiction

Sec. 4. The Miami superior court has the same jurisdiction as the Miami circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-52-5

Small claims and misdemeanor division

Sec. 5. The Miami superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-53

Chapter 53. Monroe County

IC 33-33-53-1

Judicial circuit; judges

Sec. 1. (a) Monroe County constitutes the tenth judicial circuit.

(b) There are nine (9) judges of the Monroe circuit court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.20.

IC 33-33-53-2

Circuit court jurisdiction; dockets

Sec. 2. (a) The Monroe circuit court is a court of general jurisdiction and shall maintain the following dockets:

- (1) Small claims.
- (2) Minor offenses and violations.
- (3) Criminal.
- (4) Juvenile.
- (5) Civil.
- (6) Probate.

(b) The assignment of judges of the court to the dockets specified in subsection (a) must be by rule of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-53-3

Presiding judge

Sec. 3. The judges of the Monroe circuit court shall select from among themselves a presiding judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-53-4

Concerted action of judges; majority rule; controlling vote

Sec. 4. When any action of the entire court is required, including selection of a presiding judge under section 3 of this chapter and adoption of rules under section 6 of this chapter, the judges of the court shall act in concert. If the judges disagree, the decision of the majority of the judges controls. If the judges are evenly divided, the decision joined by the presiding judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-53-5

Presiding judge; duties

Sec. 5. In accordance with rules adopted by the judges of the court under section 6 of this chapter, the presiding judge shall do the following:

- (1) Ensure that the court operates efficiently and judicially under rules adopted by the court.
- (2) Annually submit to the fiscal body of Monroe County a budget for the court, including amounts necessary for:
 - (A) the operation of the circuit's probation department;

- (B) the defense of indigents; and
- (C) maintaining an adequate law library.
- (3) Make the appointments or selections required of a circuit or superior court judge under the following statutes:

- IC 8-4-21-2
- IC 11-12-2-2
- IC 16-22-2-4
- IC 16-22-2-11
- IC 16-22-7
- IC 20-23-4
- IC 20-23-7-6
- IC 20-23-7-8
- IC 20-26-7-8
- IC 20-26-7-14
- IC 20-47-2-15
- IC 20-47-3-13
- IC 36-9
- IC 36-10
- IC 36-12-10-10.

- (4) Make appointments or selections required of a circuit or superior court judge by any other statute, if the appointment or selection is not required of the court because of an action before the court.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2005, SEC.217; P.L.231-2005, SEC.50; P.L.1-2006, SEC.505; P.L.2-2006, SEC.183.

IC 33-33-53-6

Rules for administration of court

Sec. 6. (a) The judges of the court shall adopt rules to provide for the administration of the court, including rules governing the following:

- (1) Allocation of case load.
- (2) Legal representation for indigents.
- (3) Budgetary matters of the court.
- (4) Operation of the probation department.
- (5) Term of administration of the presiding judge.
- (6) Employment and management of court personnel.
- (7) Cooperative efforts with other courts for establishing and administering shared programs and facilities.

(b) The court shall file with the division of state court administration a copy of the rules adopted under this section.

As added by P.L.98-2004, SEC.12.

IC 33-33-53-7

Personnel

Sec. 7. (a) Each judge of the court may, subject to the budget approved for the court by the fiscal body of Monroe County, employ personnel necessary for the proper administration of the court.

- (b) Personnel employed under this section:

(1) include court reporters, bailiffs, clerical staff, and any additional officers necessary for the proper administration of the court; and

(2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 6 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-53-8

Court administrator

Sec. 8. (a) The court may appoint a court administrator subject to the budget approved for the court by the fiscal body of Monroe County.

(b) A court administrator appointed under this section is subject to the rules concerning employment and management of court personnel adopted by the court under section 6 of this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-54

Chapter 54. Montgomery County

IC 33-33-54-1

Judicial circuit

Sec. 1. Montgomery County constitutes the twenty-second judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-54-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as the:

- (1) Montgomery superior court No. 1; and
- (2) Montgomery superior court No. 2.

(b) Each Montgomery superior court is a standard superior court as described in IC 33-29-1.

(c) Montgomery County comprises the judicial district of each court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.21.

IC 33-33-54-3

Judges; location of court sessions

Sec. 3. Each court has one (1) judge who shall hold sessions in:

- (1) the Montgomery County courthouse in Crawfordsville; or
- (2) other places in the county as the Montgomery County executive may provide.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.22.

IC 33-33-54-4

Jurisdiction

Sec. 4. Each Montgomery superior court has the same jurisdiction as the Montgomery circuit court.

As added by P.L.98-2004, SEC.12. Amended by P.L.237-2005, SEC.23.

IC 33-33-54-5

Repealed

(Repealed by P.L.237-2005, SEC.26.)

IC 33-33-54-6

Small claims and misdemeanor divisions

Sec. 6. Beginning January 1, 2006, each Montgomery superior court has a standard small claims and misdemeanor division.

As added by P.L.237-2005, SEC.24.

IC 33-33-55

Chapter 55. Morgan County

IC 33-33-55-1

Application

Sec. 1. The following do not apply to this chapter:

- (1) IC 33-29-1-3.
- (2) IC 33-29-1-4.
- (3) IC 33-29-1-8.
- (4) IC 33-29-1-9.
- (5) IC 33-29-1-10.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-2

Judicial circuit

Sec. 2. Morgan County constitutes the fifteenth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-3

Establishment of superior court

Sec. 3. There is established a court of record to be known as the Morgan superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-4

Standard superior court

Sec. 4. (a) Except as otherwise provided in this chapter, the Morgan superior court is a standard superior court as described in IC 33-29-1.

(b) Morgan County constitutes the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-5

Judges; election

Sec. 5. (a) The Morgan superior court has three (3) judges. Each judge holds office for a term of six (6) years beginning on the first day of January after election and until the judge's successor is elected and qualified.

(b) Every six (6) years, the voters of Morgan County shall elect at the general election the judges for the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-6

Location of court sessions

Sec. 6. The Morgan superior court shall hold its sessions in the Morgan County courthouse in Martinsville.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-7

Judicial powers

Sec. 7. (a) Each judge of the Morgan superior court may make and adopt rules and regulations for conducting the business of the Morgan superior court.

(b) Each judge has all powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt and the power to enforce the judge's orders.

(c) Each judge of the court may administer oaths, solemnize marriages, take and certify acknowledgments of deeds, give all necessary certificates for the authentication of records and proceedings of the court, and make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-8

Magistrate

Sec. 8. The judges of the Morgan circuit and Morgan superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judges of the circuit and superior courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-55-9

Jurisdiction

Sec. 9. The Morgan superior court has concurrent jurisdiction, both original and appellate, with the Morgan circuit court in all civil actions and proceedings at law and in equity and in all criminal and probate matters, actions, and proceedings of which the Morgan circuit court has jurisdiction. However, the Morgan circuit court and one (1) judge of the Morgan superior court have exclusive jurisdiction in all juvenile matters, actions, and proceedings.

As added by P.L.98-2004, SEC.12. Amended by P.L.2-2005, SEC.95.

IC 33-33-55-10

Small claims and misdemeanor division

Sec. 10. The Morgan superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-56

Chapter 56. Newton County

IC 33-33-56-1

Judicial circuit

Sec. 1. (a) Newton County constitutes the seventy-ninth judicial circuit.

(b) The Newton circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-56-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Newton superior court.

(b) The Newton superior court is a standard superior court as described in IC 33-29-1.

(c) Newton County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-56-3

Judge; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Newton superior court has one (1) judge, who shall be elected at the general election every six (6) years in Newton County. The judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as judge of the Newton superior court, a person must:

(1) be a resident of Newton County; and

(2) be admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-56-4

Location of court sessions

Sec. 4. The Newton superior court shall hold its sessions in:

(1) the Newton County courthouse in Kentland; or

(2) other places in the county as the board of county commissioners of Newton County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-56-5

Jurisdiction

Sec. 5. The Newton superior court has the same jurisdiction as the Newton circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-56-6

Small claims and misdemeanor division

Sec. 6. The Newton superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-57

Chapter 57. Noble County

IC 33-33-57-1

Judicial circuit

Sec. 1. Noble County constitutes the thirty-third judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-57-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Noble superior court.

(b) The Noble superior court is a standard superior court as described in IC 33-29-1.

(c) Noble County comprises the judicial district of the courts.
As added by P.L.98-2004, SEC.12.

IC 33-33-57-3

Judges; location of court sessions

Sec. 3. The Noble superior court has two (2) judges who shall hold sessions in:

(1) the Noble County courthouse in Albion; or

(2) other places in the county as the board of county commissioners of Noble County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-57-4

Jurisdiction

Sec. 4. The Noble superior court has the same jurisdiction as the Noble circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-57-5

Small claims and misdemeanor division

Sec. 5. The Noble superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-58

Chapter 58. Ohio County

IC 33-33-58-1**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-2**Judicial circuit**

Sec. 2. (a) Dearborn County and Ohio County constitute the seventh judicial circuit.

(b) The judge of the Dearborn and Ohio circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.17.

IC 33-33-58-3**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-4**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-5**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-6**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-7**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-8**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-9**Repealed**

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-10**Repealed**

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-58-11

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-12

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-13

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-58-14

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-59

Chapter 59. Orange County

IC 33-33-59-1

Judicial circuit

Sec. 1. Orange County constitutes the eighty-seventh judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-59-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Orange superior court.

(b) Except as otherwise provided in this chapter, the Orange superior court is a standard superior court as described in IC 33-29-1.

(c) Orange County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-59-3

Judge; location of court sessions

Sec. 3. The Orange superior court has one (1) judge who shall hold sessions in:

(1) the Paoli Office Complex in Paoli; or

(2) other places in the county as the Orange county executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-59-4

Personnel

Sec. 4. In addition to the personnel that may be appointed under IC 33-29-1-5, the judge of the Orange superior may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries must be fixed in the same manner as the salaries of the personnel for the Orange circuit court. Their salaries must be paid monthly out of the treasury of Orange County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-59-5

Jurisdiction

Sec. 5. (a) Except as provided in subsection (b), the Orange superior court has the same jurisdiction as the Orange circuit court.

(b) The Orange circuit court has exclusive juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-59-6

Small claims and misdemeanor division

Sec. 6. The Orange superior court has a standard small claims and

misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-60

Chapter 60. Owen County

IC 33-33-60-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Owen County constitutes the seventy-eighth judicial circuit.

(b) The Owen circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-61

Chapter 61. Parke County

IC 33-33-61-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Parke County constitutes the sixty-eighth judicial circuit.

(b) The Parke circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-62

Chapter 62. Perry County

IC 33-33-62-1

Judicial circuit; small claims and misdemeanor division; magistrate

Sec. 1. (a) Perry County constitutes the seventieth judicial circuit.

(b) The Perry circuit court has a standard small claims and misdemeanor division.

(c) The judge of the Perry circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12. Amended by P.L.246-2005, SEC.222.

IC 33-33-63

Chapter 63. Pike County

IC 33-33-63-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Pike County constitutes the eighty-third judicial circuit.

(b) The Pike circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-64

Chapter 64. Porter County

IC 33-33-64-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-2

Judicial circuit

Sec. 2. Porter County constitutes the sixty-seventh judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-3

Establishment of superior court; judges; election; divisions

Sec. 3. (a) There is established a court of record to be known as Porter superior court. The Porter superior court has five (5) judges, who hold office for six (6) years, beginning on the first day of January after their election and until their successors are elected and qualified. Every six (6) years the voters of Porter County shall elect at the general election the judges for the superior court.

(b) The judges of the Porter superior court are designated as follows:

(1) Two (2) judges are judges of the superior court, superior division.

(2) Three (3) judges are judges of the superior court, county division.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-4

Seal

Sec. 4. (a) The Porter superior court's superior division shall have a seal consisting of a circular disk containing the words "Porter Superior Court, Superior Division", an impression of which shall be spread of record upon the order book of the court.

(b) The Porter superior court's county division shall have a seal consisting of a circular disk containing the words "Porter Superior Court, County Division", an impression of which shall be imprinted upon the order book of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-5

Jurisdiction

Sec. 5. (a) Except as provided in subsection (b), the Porter superior court has the following jurisdiction:

(1) Original, appellate, concurrent, and coextensive jurisdiction with the circuit court in all civil cases, criminal cases, and probate matters.

(2) Concurrent and coextensive jurisdiction with the circuit court in all cases of appeal from boards of county

commissioners and all other appellate jurisdiction vested in the circuit court.

(3) Concurrent and coextensive jurisdiction in all matters of probate and the settlement of decedents' estates, trusts, and guardianships.

(4) Jurisdiction over all other subject matters actionable in the circuit court.

(b) All matters in which a child is alleged to be a delinquent child or a child in need of services exclusively resides in the jurisdiction of the circuit court of the county.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-6

Power and authority of judges

Sec. 6. The judges of the Porter superior court may make and adopt rules and regulations for conducting the business of the court and have all the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders. The judges may administer oaths, solemnize marriages, take and certify acknowledgment of deeds, and give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-7

Power of judges same as circuit court judges

Sec. 7. The judges of the Porter superior court have the same power to grant restraining orders and injunctions, to issue writs of habeas corpus and of mandate and prohibition, to appoint receivers, masters, and commissioners to convey real property, and to grant commissions for the examination of witnesses, and to appoint other officers necessary to facilitate and transact the business of the court as is conferred on circuit courts or the judges of circuit courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-8

Location of court sessions

Sec. 8. (a) The Porter superior court, superior division, shall hold sessions in the Porter County courthouse in Valparaiso.

(b) One (1) judge of the Porter superior court, county division, shall hold sessions of the court in Valparaiso and two (2) judges shall hold sessions of the court principally in Portage Township and may sit periodically in Westchester Township in the discretion of the judges in Porter County.

(c) The board of county commissioners of Porter County shall:

(1) provide and maintain suitable and convenient courtrooms for the holding of the court, together with suitable and convenient jury rooms and offices for the judges, secretaries, and official court reporters, and other facilities as may be necessary; and

(2) provide all the necessary furniture and equipment for the rooms and offices of the court.

The county council shall appropriate sufficient funds to implement this section.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-9

Dockets, books, and records

Sec. 9. The clerk, under the direction of a Porter superior court judge, shall provide order books, judgment dockets, execution dockets, fee books and other books, papers, and records as necessary for the court. All books, papers, and proceedings of the court shall be kept distinct and separate from those of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-10

Order books

Sec. 10. (a) The Porter superior court shall maintain a single order book for the Porter superior court, superior division, that may be signed on behalf of the court by any of the sitting judges of the superior division. A judge's signature constitutes authentication of the actions of each judge in the court.

(b) The Porter superior court shall maintain an order book for the judge of the Porter superior court, county division, located in Valparaiso and a separate order book for the judge of the Porter superior court, county division, located in Portage Township. The signature of a judge of the Porter superior court, county division, constitutes authentication of the actions of the judge taken on behalf of the superior court holding sessions in that location.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-11

Bailiff

Sec. 11. Each judge of the Porter superior court shall appoint a bailiff for the court whose salary shall be fixed by the court and paid as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-12

Court reporter

Sec. 12. Each judge of the Porter superior court shall appoint a court reporter whose duties, salary, and term shall be regulated in the same manner as the court reporter of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-13

Process of court

Sec. 13. The process of the Porter superior court must have the seal affixed. The process must be attested, directed, served, returned, and be in the form as provided for process issuing from the circuit

court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-14

Officers and personnel

Sec. 14. Each Porter superior judge may appoint additional officers and personnel necessary for the proper administration of the judge's duties as judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-15

Presiding judge

Sec. 15. (a) The Porter superior court by rules adopted by the court, shall designate one (1) of the judges as presiding judge and fix the time the judge presides.

(b) The presiding judge shall be responsible for the operation and conduct of the court and for seeing that the court operates efficiently and judicially.

(c) If an agreement is not reached, the judge with the most seniority as a judge of a court of record shall act as presiding judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-16

Majority decision of judges

Sec. 16. When any action of the entire Porter superior court is required, the judges of the court shall act in concert. If there is a disagreement, the decision of the majority of the judges controls. However, in the absence of a majority, the decision of the presiding judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-17

Additional personnel; administrative officer

Sec. 17. The Porter superior court shall, when it believes it is necessary, appoint additional personnel for the proper administration of the court, including but not limited to an administrative officer who shall operate under the jurisdiction of the presiding judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-18

Transfer of causes from circuit court

Sec. 18. The judge of the circuit court may, with the consent of the court transfer any action, cause, or proceeding filed and docketed in the circuit court to this court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with this court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-19

Transfer of causes

Sec. 19. Any judge of the Porter superior court may, with the consent of the judge of the Porter circuit court, transfer any action, cause, or proceeding filed and docketed in the superior court to the circuit court by transferring all original papers and instruments filed in such action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the superior court. However, a judge of the Porter superior court, county division, may not transfer any action or proceeding docketed in the small claims and misdemeanor division to the Porter circuit court or to the Porter superior court, superior division.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-20**Circuit court judge sitting and acting as superior court judge**

Sec. 20. The judge of the Porter circuit court may, with the Porter superior court's permission, sit and act as a judge of the Porter superior court in all matters pending before the superior court, without limitation and without any further order, in the same manner and stead as if the judge were a judge of the Porter superior court with all the rights and powers as if the judge were an elected judge of the Porter superior court, including the right to act as presiding judge and otherwise participate in the organization and administration of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-21**Commission and appointment of judges**

Sec. 21. The judges of the Porter superior court shall be commissioned by the governor in the same manner as a judge of the circuit court and any vacancy occurring in the office of judge of the superior court shall be filled by appointment by the governor in the same manner as vacancies in the office of the judge of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-22**Small claims and misdemeanor divisions**

Sec. 22. The Porter superior court, county division, located in Valparaiso, has a standard small claims and misdemeanor division and the Porter superior court, county division, located in Portage Township has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-64-23**Magistrates**

Sec. 23. The judges of the Porter superior court may jointly appoint two (2) full-time magistrates under IC 33-23-5. The magistrates continue in office until removed by the judges of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-65

Chapter 65. Posey County

IC 33-33-65-1

Judicial circuit

Sec. 1. Posey County constitutes the eleventh judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-65-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Posey superior court.

(b) The Posey superior court is a standard superior court as described in IC 33-29-1.

(c) Posey County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-65-3

Judge; location of court sessions

Sec. 3. The court has one (1) judge who shall hold sessions in:

- (1) the Posey County courthouse in Mount Vernon; or
- (2) other places in the county that the Posey County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-65-4

Jurisdiction

Sec. 4. The Posey superior court has the same jurisdiction as the Posey circuit court.

As added by P.L.98-2004, SEC.12. Amended by P.L.2-2005, SEC.97.

IC 33-33-65-5

Small claims and misdemeanor division

Sec. 5. The Posey superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-66

Chapter 66. Pulaski County

IC 33-33-66-1

Judicial circuit

Sec. 1. Pulaski County constitutes the fifty-ninth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-66-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Pulaski superior court.

(b) The Pulaski superior court is a standard superior court as described in IC 33-29-1.

(c) Pulaski County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-66-3

Judge; location of court sessions

Sec. 3. The court has one (1) judge who shall hold sessions in:

(1) the Pulaski County courthouse in Winamac; or

(2) other places in the county that the Pulaski County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-66-4

Jurisdiction

Sec. 4. The Pulaski superior court has the same jurisdiction as the Pulaski circuit court, except that only the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-66-5

Small claims and misdemeanor division

Sec. 5. The Pulaski superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-67

Chapter 67. Putnam County

IC 33-33-67-1

Judicial circuit

Sec. 1. Putnam County constitutes the sixty-fourth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-67-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Putnam superior court.

(b) Except as otherwise provided in this chapter, the Putnam superior court is a standard superior court as described in IC 33-29-1.

(c) Putnam County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-67-3

Judge; election

Sec. 3. (a) IC 33-29-1-3 does not apply to this section.

(b) The Putnam superior court has one (1) judge who shall be elected at the general election every six (6) years in Putnam County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(c) To be eligible to hold office as a judge of the court, a person must be:

- (1) a resident of Putnam County; and
- (2) admitted to the practice of law in Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-67-4

Location of court sessions

Sec. 4. The Putnam superior court shall hold sessions in:

- (1) the Putnam County courthouse in Greencastle; or
- (2) other places in the county that the Putnam County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-67-5

Jurisdiction

Sec. 5. The Putnam superior court has the same jurisdiction as the Putnam circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-67-6

Small claims and misdemeanor division

Sec. 6. The Putnam superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-68

Chapter 68. Randolph County

IC 33-33-68-1

Judicial circuit

Sec. 1. Randolph County constitutes the twenty-fifth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-68-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Randolph superior court.

(b) The Randolph superior court is a standard superior court as described in IC 33-29-1.

(c) Randolph County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-68-3

Judge; location of court sessions

Sec. 3. The Randolph superior court has one (1) judge who shall hold sessions in:

(1) the Randolph County courthouse in Winchester; or

(2) other places in the county that the Randolph County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-68-4

Jurisdiction

Sec. 4. The Randolph superior court has the same jurisdiction as the Randolph circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-68-5

Small claims and misdemeanor division

Sec. 5. The Randolph superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-69

Chapter 69. Ripley County

IC 33-33-69-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Ripley County constitutes the eightieth judicial circuit.

(b) The Ripley circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-69-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Ripley superior court.

(b) The Ripley superior court is a standard superior court as described in IC 33-29-1.

(c) Ripley County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-69-3

Judge; location of court sessions

Sec. 3. The Ripley superior court has one (1) judge who shall hold sessions in:

(1) the Ripley County courthouse in Versailles; or

(2) other places in the county that the Ripley County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-69-4

Jurisdiction

Sec. 4. The Ripley superior court has the same jurisdiction as the Ripley circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-69-5

Small claims and misdemeanor division

Sec. 5. The Ripley superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-70

Chapter 70. Rush County

IC 33-33-70-1

Judicial circuit

Sec. 1. Rush County constitutes the sixty-fifth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-70-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Rush superior court.

(b) The Rush superior court is a standard superior court as described in IC 33-29-1.

(c) Rush County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-70-3

Judge; location of court sessions

Sec. 3. The Rush superior court has one (1) judge who shall hold sessions in:

(1) the Rush County courthouse in Rushville; or

(2) other places in the county that the Rush county executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-70-4

Jurisdiction

Sec. 4. The Rush superior court has the same jurisdiction as the Rush circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-70-5

Small claims and misdemeanor division

Sec. 5. The Rush superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-71

Chapter 71. St. Joseph County

IC 33-33-71-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-2

Judicial circuit

Sec. 2. St. Joseph County constitutes the sixtieth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-3

Magistrates

Sec. 3. The judge of the St. Joseph circuit court may appoint two (2) full-time magistrates under IC 33-23-5 to serve the circuit court. A magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-4

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-71-5

Establishment of superior court; number of judges

Sec. 5. There is established a superior court in St. Joseph County. The court consists of eight (8) judges.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-6

Name

Sec. 6. The superior court shall be known as the St. Joseph superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-7

Seal

Sec. 7. The superior court shall have a seal consisting of a circular disk containing the words "St. Joseph Superior Court", an impression of which shall be spread of record upon the order book of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-8

Jurisdiction

Sec. 8. The St. Joseph superior court has the following jurisdiction:

- (1) Original, appellate, concurrent, and coextensive jurisdiction with the circuit court in all civil cases, criminal cases, and probate matters.

(2) Concurrent and coextensive jurisdiction with the circuit court in all cases of appeal from boards of county commissioners and all other appellate jurisdiction vested in the circuit court.

(3) Concurrent and coextensive jurisdiction in all matters of probate and the settlement of decedents' estates, trusts, and guardianships.

(4) Jurisdiction in all other subject matters actionable in the circuit court.

(5) Original exclusive jurisdiction of all violations of ordinances of cities located in the county.

(6) Original exclusive jurisdiction in the trial of offenses constituting violation of traffic ordinances of the cities and violations of traffic laws of the state that occur in any city of St. Joseph County.

(7) Original jurisdiction of violations of traffic laws of the state that occur outside a city in St. Joseph County.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-9

Small claims and misdemeanor division

Sec. 9. The St. Joseph superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-10

Court of record; force and effect of judgments, decrees, and orders

Sec. 10. The St. Joseph superior court is a court of record, and its judgments, decrees, orders, and proceedings have the same force and effect and shall be enforced in the same manner as those of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-11

Power and authority of judges

Sec. 11. The judges of the superior court may make and adopt rules and regulations for conducting the business of the court and have all the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders. The judges may administer oaths, solemnize marriages, take and certify acknowledgment of deeds, and give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-12

Powers of judges same as circuit judges

Sec. 12. The judges of the superior court may:

(1) grant restraining orders and injunctions;

(2) issue writs of habeas corpus and of mandate and prohibition;

- (3) appoint receivers, masters, and commissioners to convey real property;
- (4) grant commissions for the examination of witnesses; and
- (5) appoint other officers necessary to facilitate and transact the business of the court;

the same as circuit courts or circuit court judges.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-13

Sessions of court; facilities; jurisdiction

Sec. 13. (a) The St. Joseph superior court shall hold its sessions in:

- (1) the St. Joseph County courthouse in South Bend; and
- (2) at least one (1) appropriate place in Mishawaka.

The superior court in Mishawaka shall be full time and shall exercise full superior court jurisdiction in that city. The board of county commissioners of St. Joseph County shall provide and maintain in the courthouse in South Bend and in an appropriate place in Mishawaka court facilities that include suitable and convenient courtrooms, jury rooms, and offices for the judges, secretaries, and official court reporters, and other necessary facilities, including all the necessary furniture and equipment for the rooms and offices of the court for the conduct of all criminal and civil business, including the necessary facilities for jury trials.

(b) The judges of the court have all jurisdiction and authority granted them by law regardless of the city in which they are located.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-14

Dockets; books, papers, and records

Sec. 14. The clerk, under the direction of the judge, shall provide order books, judgment dockets, execution dockets, fee books, and other books, papers, and records as necessary for the court, and all books, papers, and proceedings of the superior court shall be kept distinct and separate from those of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-15

Single order book for entire court

Sec. 15. The superior court shall maintain a single order book for the entire court that may be signed on behalf of the court by any of the sitting judges of the court, and the signature constitutes authentication of the actions of each judge in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-16

Bailiff

Sec. 16. Each judge of the superior court shall appoint a bailiff for the court whose salary shall be fixed by the court and paid as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-17

Court reporter

Sec. 17. Each judge of the superior court shall appoint a court reporter whose duties, salary, and term shall be regulated in the same manner as the court reporter of circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-18

Laws and rules governing practice and procedure

Sec. 18. All laws and rules adopted by the supreme court governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court shall be applicable to and govern the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-19

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-71-20

Appeal from order or judgment of court

Sec. 20. Any party may appeal to the supreme court or the court of appeals from any order or judgment of the superior court in any case where, under Indiana law, an appeal may be had from a similar order or judgment of the circuit court. The appeal is governed by the law governing appeals from the circuit court to the court of appeals and the supreme court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-21

Process of court

Sec. 21. The process of the superior court must have the seal affixed. The process must be attested, directed, served, returned, and in the form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-22

Appointment of officers and personnel

Sec. 22. Each judge of the superior court may appoint additional officers and personnel as necessary for the proper administration of the judge's duties as judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-23

Chief judge

Sec. 23. (a) The superior court, by rules duly adopted by the court, shall designate one (1) of the judges as chief judge and fix the time the chief judge presides.

(b) The chief judge shall be responsible for the operation and conduct of the court and to seeing that the court operates efficiently and judicially.

(c) The chief judge shall do the following:

(1) Assign cases to a judge of the court or reassign cases from one (1) judge of the court to another judge of the court to ensure the efficient operation and conduct of the court.

(2) Assign and allocate courtrooms, other rooms, and other facilities to ensure the efficient operation and conduct of the court.

(3) Annually submit to the fiscal body of St. Joseph County a budget for the court.

(4) Make appointments or selections on behalf of the court that are required of a superior court judge under any statute.

(5) Direct the employment and management of court personnel.

(6) Conduct cooperative efforts with other courts for establishing and administering shared programs and facilities.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-24

Judges acting in concert; majority decision

Sec. 24. When any action of the entire superior court is required, the judges of the court shall act in concert. If there is a disagreement, the decision of the majority of the judges controls. However, if the judges are evenly divided, the decision joined by the chief judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-25

Administrative officer of court

Sec. 25. The superior court shall, when it believes it is necessary, appoint additional personnel for the proper administration of the court, including an administrative officer who shall operate under the jurisdiction of the chief judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-26

Transfer of causes from circuit court

Sec. 26. The judge of the circuit court may, with the consent of the chief judge, transfer any action, cause, or proceeding filed and docketed in the circuit court to the superior court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-27

Transfer of causes to circuit court

Sec. 27. The chief judge of the superior court may, with the consent of the judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in the superior court to the circuit court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-28**Circuit court judge sitting as superior court judge**

Sec. 28. The judge of the St. Joseph circuit court at the circuit court judge's discretion, may sit as a judge of the superior court, with the chief judge's permission, in all matters pending before the superior court, without limitation and without any further order, in the same manner as if the judge of the circuit court were a judge of the superior court with all the rights and powers as if the judge of the circuit court were an elected judge of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-29**Judicial nominating commission; establishment**

Sec. 29. (a) There is established a judicial nominating commission for the St. Joseph superior court, the functions, responsibilities, and procedures of which are set forth in sections 30 through 40 of this chapter.

(b) The board of county commissioners of St. Joseph County shall provide all facilities, equipments, supplies, and services necessary for the administration of the duties imposed upon the commission. The members of this commission shall serve without compensation. However, the board of county commissioners of St. Joseph County shall reimburse members of this commission for their actual expenses incurred in performing their duties.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-30**Judicial nominating commission; membership**

Sec. 30. (a) The judicial nominating commission (referred to as the "commission" in this chapter) consists of seven (7) members, the majority of whom shall form a quorum. The chief justice shall appoint a justice of the supreme court or a judge of the court of appeals to serve as a member and chairman of the commission until a successor is appointed. Those admitted to the practice of law in Indiana and residing in St. Joseph County or maintaining their principal law office in St. Joseph County shall elect, under sections 32 and 33 of this chapter, three (3) of their number to serve as attorney members of the commission. If any attorney member of the commission terminates residence in St. Joseph County or discontinues the maintenance of a principal law office in St. Joseph

County, the member shall be considered to have resigned from the commission. The three (3) remaining members of the commission must be persons not admitted to the practice of law (referred to as "nonattorney members" in this chapter) and residents of St. Joseph County. However, not more than two (2) of the nonattorney members may be from the same political party and that the appointment of the nonattorney members of the commission shall be made under section 31 of this chapter. Not more than four (4) commission members may be from the same political party.

(b) A member of the commission may not hold any other salaried public office nor an office in a political party organization. A member of the commission is not eligible for appointment to a judicial office in St. Joseph County who has, within four (4) years immediately preceding an appointment, served on the commission. If any nonattorney member of the commission terminates residence in St. Joseph County, the member is considered to have resigned from the commission.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-31

Appointment of nonattorney commissioners

Sec. 31. (a) The appointment to membership on the commission of the nonattorney members shall be made by a selection committee consisting of the judge of the St. Joseph circuit court, the president of the board of St. Joseph County commissioners, and mayors in each of the two (2) cities having the largest populations in St. Joseph County. These appointments shall be made by a majority vote of the selection committee. If a vacancy occurs on the commission among the nonattorney members, that fact shall be reported to the judge of the St. Joseph circuit court by the commission. Upon notification, the judge of the St. Joseph circuit court shall call into session the selection committee, which shall, by majority vote, select a person or persons not admitted to the practice of law, who shall serve the unexpired term of the vacant commission membership position and that this selection and appointment by the selection committee shall be made within sixty (60) days after the date the St. Joseph circuit court is notified of the creation of the vacancy. If the selection committee fails to act to fill an unexpired term of a nonattorney member of the commission within sixty (60) days after the notification that the vacancy exists, the vacancy shall be filled by a majority vote of the remaining members of the commission.

(b) Not less than sixty (60) days before the expiration of the term of a nonattorney member of the commission, the judge of the St. Joseph circuit court shall call into session the selection committee that shall appoint, by a majority vote, a person to the commission to serve a new term. If the selection committee fails to act to fill an expired term of a nonattorney member of the commission by the date of expiration of the term of a nonattorney member of the commission, the remaining members on the commission shall, by majority vote, appoint a person to serve for the succeeding term. All

appointments made to the commission shall be certified within ten (10) days to the clerk of the St. Joseph superior court.

(c) Each appointee of a nonattorney member to the commission, except those who fill a vacancy, shall serve for four (4) years.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-32

Election of attorney commissioners

Sec. 32. (a) Each year in which an attorney member's term expires, those admitted to the practice of law in Indiana and residing in St. Joseph County (referred to as "attorney electors" in this chapter) shall elect three (3) of their number to serve on the commission. Each attorney member of the commission shall serve for four (4) years. The term of each attorney member begins on the first day of October following the member's election. The election day is the date on which the ballots are counted. During the month before the expiration of each attorney commissioner's term of office, an election shall be held to fill the succeeding four (4) year term of office.

(b) Except when a term of office has less than ninety (90) days remaining, vacancies in the office of an attorney commissioner to the commission shall be filled for the unexpired term of the member creating the vacancy by a special election.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-33

Procedure for election of attorney commissioners

Sec. 33. The attorney members of the commission shall be elected by the following process:

(1) The clerk of the St. Joseph superior court shall at least ninety (90) days before the date of election notify all attorneys in St. Joseph County of the upcoming election by mail, informing them that nominations must be made to the clerk of the superior court at least sixty (60) days before the election. The clerk shall secure a list of all attorneys in the county and their correct addresses from the clerk of the supreme court.

(2) A nomination in writing accompanied by a signed petition of ten (10) attorney electors, and the written consent of the qualified nominee shall be filed by an attorney elector or group of attorney electors residing in St. Joseph County, by mail or otherwise, in the office of the clerk of St. Joseph superior court at least sixty (60) days before the election.

(3) The clerk of St. Joseph superior court shall prepare and print ballots containing the names and residence addresses of all attorney nominees whose written nominations, petitions and written statements of consent have been received sixty (60) days before the election.

The ballot must read:

"ST. JOSEPH SUPERIOR COURT
NOMINATING COMMISSION BALLOT

To be cast by individuals residing in St. Joseph County and admitted to the practice of law in Indiana. Vote for one (1) of the following candidates for the term commencing:

(Insert Date)

()	(Name)	(Address)
()	(Name)	(Address)
()	(etc.)	(etc.)

To be counted, this ballot must be completed, the accompanying certificate completed and signed, and both together mailed or delivered to the clerk of St. Joseph superior court not later than _____ (insert date).

DESTROY BALLOT IF NOT USED".

(4) The nominee receiving the most votes is elected.

(5) The clerk shall also supply with each ballot distributed by the clerk a certificate, to be completed and signed and returned by the attorney elector voting that ballot, certifying that the attorney elector is admitted to the practice of law in Indiana, resides in St. Joseph County, and voted the ballot returned. A ballot not accompanied by the signed certificate of the voter may not be counted.

(6) To maintain the secrecy of each vote, a separate envelope shall be provided by the clerk for the ballot, in which only the voted ballot is to be placed. This envelope may not be opened until the counting of the ballots.

(7) The clerk of St. Joseph superior court shall mail a ballot and its accompanying material to all qualified attorney electors at least two (2) weeks before the date of election.

(8) Upon receiving the completed ballots and the accompanying certificates, the clerk shall insure that the certificates have been completed in compliance with this chapter. All ballots that are accompanied by a valid certificate shall be placed in a package designated to contain ballots. All accompanying certificates shall be placed in a separate package.

(9) The clerk of St. Joseph superior court, with the assistance of the St. Joseph County election board, shall open and canvass all ballots at 4 p.m. on the day of election in the office of the clerk of St. Joseph superior court. Ballots received after 4 p.m. may not be counted. Upon canvassing the ballots the clerk shall place all ballots back in their package. These, along with the certificates, shall be retained in the clerk's office for six (6) months. The clerk may not allow a person to inspect them except upon an order of the court of appeals.

(10) In any election held for selection of attorney members of the commission, in case two (2) or more nominees are tied so that one (1) additional vote cast for one (1) of them would give that nominee a plurality, the canvassers shall resolve the tie by lot, and the winner of the lot is considered elected.

As added by P.L.98-2004, SEC.12.

Notification

Sec. 34. After:

- (1) the attorney members of the commission have been elected; and
- (2) the names of the nonattorney commissioners appointed by the selection committee have been certified to the secretary of state, clerk of the supreme court, and the clerk of St. Joseph superior court under this chapter;

the clerk of St. Joseph superior court shall by regular mail notify the members of the commission of their election or appointment, and shall notify the chairman of the commission of the same.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-35

Succession of membership

Sec. 35. A person who has been elected or appointed to a full four (4) year term upon the commission may not succeed himself or herself or be eligible for election or appointment to the commission for four (4) years after the expiration of the term to which the person was elected or appointed.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-36

Nominations for vacancies in superior court; meetings of commission

Sec. 36. (a) When a vacancy occurs in the St. Joseph superior court, the clerk of the court shall promptly notify the chairman of the commission of the vacancy. The chairman shall call a meeting of the commission within ten (10) days following this notice. The commission shall submit its nominations of five (5) candidates for each vacancy and certify them to the governor as promptly as possible, and not later than sixty (60) days after the vacancy occurs. When it is known that a vacancy will occur at a definite future date within the term of the serving governor, but the vacancy has not yet occurred, the clerk shall notify the commission immediately. The commission may within fifty (50) days of the notice of vacancy make its nominations and submit to the governor the names of five (5) persons nominated for the forthcoming vacancy.

(b) Meetings of the commission shall be called by the chairman or, if the chairman fails to call a necessary meeting, upon the call of any four (4) members of the commission. The chairman, whenever the chairman considers a meeting necessary, or upon the request by any four (4) members of the commission for a meeting, shall give each member of the commission at least five (5) days written notice by mail of the time and place of every meeting unless the commission at its previous meeting designated the time and place of its next meeting.

(c) Meetings of the commission must be held at a place in the St. Joseph County courthouse in South Bend as the clerk of the St. Joseph superior court may arrange.

(d) The commission shall act only at a meeting and may act only by the concurrence of a majority of its members attending a meeting. Four (4) members are required to constitute a quorum at a meeting. The commission may adopt reasonable and proper rules and regulations for the conduct of its proceedings and the discharge of its duties.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-37

Qualifications of nominees; evaluation

Sec. 37. (a) The commission shall submit only the names of the five (5) most highly qualified candidates from among those eligible individuals considered. To be eligible for nomination as a judge of the St. Joseph superior court, a person must be domiciled in the county of St. Joseph, a citizen of the United States, and admitted to the practice of law in the courts of Indiana.

(b) In abiding by the mandate in subsection (a), the commission shall evaluate in writing each eligible individual on the following factors:

(1) Law school record, including any academic honors and achievements.

(2) Contribution to scholarly journals and publications, legislative draftings, and legal briefs.

(3) Activities in public service, including:

(A) writings and speeches concerning public or civic affairs which are on public record, including but not limited to campaign speeches or writing, letters to newspapers, and testimony before public agencies;

(B) efforts and achievements in improving the administration of justice; and

(C) other conduct relating to the individual's profession.

(4) Legal experience, including the number of years of practicing law, the kind of practice involved, and reputation as a trial lawyer or judge.

(5) Probable judicial temperament.

(6) Physical condition, including age, stamina, and possible habitual intemperance.

(7) Personality traits, including the exercise of sound judgment, ability to compromise and conciliate patience, decisiveness, and dedication.

(8) Membership on boards of directors, financial interest, and any other consideration that might create conflict of interest with a judicial office.

(9) Any other pertinent information that the commission feels is important in selecting the best qualified individuals for judicial office.

(c) Written evaluations may not be made on an individual until the individual states in writing that the individual desires to hold a judicial office that is or will be created by vacancy.

(d) The political affiliations of any candidate may not be

considered by the commission in evaluating and determining which eligible candidates shall be recommended to the governor for a vacancy on the St. Joseph superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-38

List of nominees; submission to governor

Sec. 38. The commission shall submit with the list of five (5) nominees to the governor its written evaluation of the qualifications of each candidate, and the names and written evaluations shall be publicly disclosed. Every eligible candidate whose name was not submitted to the governor is entitled to access to any evaluation of the candidate by the commission and the right to make the evaluation public. Otherwise, the evaluation, including the names of the candidates applying for the office, shall remain confidential. If the commission determines that there are less than five (5) persons qualified under section 40 of this chapter, the commission must submit a lesser number under section 40 of this chapter.

As added by P.L.98-2004, SEC.12. Amended by P.L.2-2005, SEC.98.

IC 33-33-71-39

Withdrawal of list or names of nominees

Sec. 39. (a) After the commission has nominated and submitted to the governor the names of five (5) persons for appointment to fill a vacancy of the St. Joseph superior court:

(1) any name may be withdrawn for a cause considered by the commission to be of a substantial nature affecting the nominee's qualifications to hold office; and

(2) another name may be substituted at any time before the appointment is made to fill the vacancy.

(b) If a nominee dies, or requests in writing that the nominee's name be withdrawn, the commission shall nominate another person to replace the nominee.

(c) If there are existing at the same time two (2) or more vacancies on the court, the commission shall nominate and submit to the governor a list of five (5) different persons for each of the vacancies. The commission may before an appointment is made:

(1) withdraw the lists of nominations;

(2) change the names of any persons nominated from one (1) list to another; and

(3) resubmit the lists as changed or substitute a new name for any of those previously nominated.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-40

Appointment to fill vacancies

Sec. 40. (a) A vacancy occurring in the St. Joseph superior court shall be filled by appointment of the governor from a list of nominees presented to the governor by the judicial nominating commission. If the governor fails to make an appointment from the list within sixty

(60) days from the day it is presented to the governor, the appointment shall be made by the chief justice or the acting chief justice of the supreme court from the same list presented to the governor.

(b) The governor shall make all appointments to the St. Joseph superior court without regard to the political affiliation of any of the nominees submitted to the governor. In the interest of justice, the governor shall consider only those qualifications of the nominees included in section 37 of this chapter.

(c) If the St. Joseph County judicial nominating commission, by a vote of any five (5) of its members, determines that, of the persons considered for any existing or expected vacancy in the St. Joseph superior court, less than five (5) are qualified for judicial office, within the scope of this chapter, the commission shall certify that determination to the governor together with the name or names of the person or persons found to be qualified under this chapter. In that event, the governor, chief justice, or acting chief justice shall make the selection or, if only one (1) name is submitted, make the appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-41

Effective date of appointments

Sec. 41. An appointment by the governor, chief justice, or acting chief justice, as required by section 40 of this chapter, to the St. Joseph County superior court shall take effect immediately if a vacancy exists at the date of the appointment. The appointment shall take effect on the date the vacancy is created if a vacancy does not exist on the date of the appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-42

Tenure of judges

Sec. 42. (a) Each judge appointed serves an initial term that begins on the effective date of the judge's appointment and continues through December 31 in the year of the general election that follows the expiration of two (2) years after the effective date of the judge's appointment.

(b) Thereafter, unless rejected by the electorate of St. Joseph County under this chapter, each judge of the St. Joseph superior court serves successive six (6) year terms. Each successive six (6) year term begins on the first day of January following the expiration of the preceding initial term or the preceding six (6) year term and continues for six (6) years.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-43

Submission of question of retention in office or rejection of judge to electorate

Sec. 43. (a) The question of the retention in office or rejection of

each judge of the St. Joseph superior court shall be submitted to the electorate of St. Joseph County at the general election immediately preceding expiration of the term of that judge.

(b) If a judge subject to this chapter does not desire to serve a further term, the judge shall notify the judge's intention in writing to the clerk of the St. Joseph circuit court at least sixty (60) days before the general election immediately preceding expiration of the judge's term in which case the question of the judge's retention in office or rejection may not be submitted to the electorate, and the office is vacant at the expiration of the term.

(c) The St. Joseph County election board shall submit the question of the retention in office or rejection of any judge to the electorate of St. Joseph County. The submission of this question is subject to the provisions of IC 3 that are not inconsistent with this chapter.

(d) At the general election, the question of the retention in office or rejection of a judge shall be submitted to the electorate of St. Joseph County in the form prescribed by IC 3-11 and must state "Shall Judge (insert name) of the St. Joseph superior court be retained in office for an additional term?".

(e) If a majority of the ballots cast by the electors voting on the question is "No", the judge whose name appeared on such question is rejected. The office of the rejected judge is vacant on January 1 following the rejection. The vacancy shall be filled by appointment of the governor under section 40 of this chapter. The name of the rejected judge may not be included among those submitted to the governor. However, the judge's rejection does not disqualify a rejected judge from being considered for another judicial office that becomes vacant.

As added by P.L.98-2004, SEC.12. Amended by P.L.58-2005, SEC.36.

IC 33-33-71-44

Conditions of office

Sec. 44. (a) During a term of office, a judge of the St. Joseph superior court may not engage in the practice of law, run for an elective office other than a judicial office, or directly or indirectly make any contributions to or hold any office in a political party or organization. A judge may not take part in any political campaign except as a candidate for retention in judicial office and, in that event, the judge's campaign participation must be absolutely devoid of partisan association and be limited to activities designed to acquaint the electorate with the judge's judicial record.

(b) Failure to comply with this section is sufficient cause for the commission on judicial qualifications established by section 45 of this chapter to recommend to the supreme court that the judge be censured or removed from office.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-45

Judicial qualifications commission; membership; employment of

special counsel

Sec. 45. There is established a commission on judicial qualifications for the St. Joseph superior court, whose membership is the same as that of the judicial nominating commission under section 29 of this chapter. The commission on judicial qualifications may employ special counsel in any proceedings it undertakes under the responsibilities imposed upon it by this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-46

Recommendation for suspension or removal of judge

Sec. 46. (a) On recommendation of the commission on judicial qualifications, the supreme court may suspend a judge of the St. Joseph superior court from office without salary when in any court in the United States the judge enters a plea of guilty or nolo contendere to, or is found guilty of, any crime punishable as a felony under the laws of Indiana or of the United States, or of any other crime that involves moral turpitude under that law. If the judge's conviction is reversed, suspension terminates, and the judge shall be paid the judge's salary for the period of suspension. If the judge is suspended and the judge's conviction is affirmed or otherwise becomes final, the supreme court shall remove the judge from office.

(b) On recommendation of the commission on judicial qualifications, the supreme court may:

(1) retire a judge of the St. Joseph superior court for disability that seriously interferes with the performance of the judge's duties and is likely to become permanent; and

(2) censure or remove a judge of the St. Joseph superior court for conduct occurring not more than six (6) years before the commencement of the judge's current term, when the conduct constitutes willful misconduct in office, willful and persistent failure to perform the judge's duties, habitual intemperance, or conduct prejudicial to the administration of justice or that brings or tends to bring judicial office into disrepute.

(c) When the supreme court receives any recommendation from the commission on judicial qualifications, it shall hold a hearing, at which the affected judge is entitled to attend, and shall make a determination as is required. The supreme court shall make rules regarding the convening and conduct of hearings, which shall, upon request of the judge whom it concerns, be public.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-47

Meetings of commission

Sec. 47. (a) The commission on judicial qualifications shall meet periodically as necessary to discharge its statutory responsibilities. Meetings of the commission on judicial qualifications shall be called in the same manner as prescribed for the judicial nominating commission. A quorum for the transaction of business is four (4) members.

(b) The clerk of the St. Joseph circuit court shall make arrangements for a meeting place in St. Joseph County as the commission may request.

(c) The commission on judicial qualifications may act only at a meeting. The commission on judicial qualifications may adopt reasonable and proper rules and regulations for the conduct of its meetings and discharge of its duties.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-48

Confidentiality of proceedings

Sec. 48. (a) All papers filed with and proceedings had before the commission on judicial qualifications before the institution of formal proceedings are confidential unless the judge against whom a complaint has been filed elects to have the information divulged or unless the commission elects to answer publicly disseminated statements issued by any complainant.

(b) All papers filed with the commission on judicial qualifications at the time of or after the institution of formal proceedings are open for public inspection at all reasonable times. Records of proceedings are open for public inspection at all reasonable times. All hearings and proceedings before the commission on judicial qualifications are open to the public.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-49

Defamatory material

Sec. 49. The filing of papers with or the giving of testimony before the commission on judicial qualifications under this chapter are absolutely privileged in any action for defamation.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-50

Complaints

Sec. 50. Complaints directed to the commission on judicial qualifications do not have to be in writing. A specified form of complaint may be required if presented in writing.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-51

Complaint by citizen; investigation

Sec. 51. (a) Any citizen of Indiana may complain to the commission on judicial qualifications with reference to the activities, fitness, or qualifications of any judge of the St. Joseph superior court. Upon receiving a complaint or request, the commission on judicial qualifications shall make an initial inquiry to determine if a complaint is founded and not frivolous. The commission on judicial qualifications, without receiving a complaint, may make an initial inquiry on its own motion.

(b) If the commission on judicial qualifications considers it

necessary as a result of its initial inquiry to conduct further investigation, the judge involved may then be notified of the investigation, the nature of the charge, the complaint that must be in writing, the name of the person making the complaint, if any, or that the investigation is on the commission's own motion and the judge shall be afforded reasonable opportunity in the course of the investigation to present matters as the judge may choose. When this notice is given, it must be by prepaid registered or certified mail addressed to the judge at the judge's chambers and at the judge's last known address. If the investigation does not disclose sufficient cause to warrant further proceedings, the judge may be so notified. The commission on judicial qualifications may make investigations by members of the commission or by special investigators employed by the commission, hold confidential hearings with the person filing the complaint or with the person's agents or attorneys, and hold confidential hearings with the judge involved in the complaint.

(c) If the commission on judicial qualification's initial inquiry or investigation does not disclose sufficient cause to warrant further proceedings and if the complainant subsequently issues any statement or statements of any kind for public dissemination relating to the activities or actions of the commission, the commission may answer that statement by reference to as much of the record of its proceedings or results of its investigation as it considers necessary. *As added by P.L.98-2004, SEC.12.*

IC 33-33-71-52

Notification of formal proceedings

Sec. 52. (a) After the investigation is completed and if the commission on judicial qualifications concludes that formal proceedings should be instituted, the commission shall give written notice to the judge advising the judge of the institution of formal proceedings to inquire into the charges against the judge. These proceedings shall be entitled:

"BEFORE THE ST. JOSEPH COUNTY JUDICIAL
QUALIFICATIONS COMMISSION

Inquiry Concerning a Judge, No. _____."

(b) The notice must be issued in the name of the commission on judicial qualifications, specify in ordinary and concise language the charges against the judge and the alleged facts upon which the charges are based, and advise the judge of the judge's right to file a written answer to the charges against the judge within twenty (20) days after service of the notice upon the judge. A charge is not sufficient if it merely recites the general language of the original complaint. The charge must specify the facts relied upon to support a particular charge. A copy of the notice shall be filed in the office of the commission on judicial qualifications.

(c) The notice shall be made upon the judge by registered or certified mail addressed to the judge at the judge's chambers and the judge's last known address.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-53

Answer

Sec. 53. Within twenty (20) days after service of the notice of formal proceedings, the judge may file with the commission on judicial qualifications a signed original and one (1) copy of an answer, and shall serve a copy on the counsel by mail.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-54

Time and place for hearing

Sec. 54. Upon filing an answer or upon the expiration of the time for its filing, the commission on judicial qualifications shall order a hearing to be held before it concerning the discipline, retirement, or removal of the judge. The commission on judicial qualifications shall set an approximate date, time, and place for a hearing and shall give notice of the hearing by registered or certified mail to the judge and to the counsel at least twenty (20) days before the date set.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-55

Hearing

Sec. 55. (a) At the date, time, and place set for hearing, the commission on judicial qualifications may proceed with the hearing whether or not the judge has filed an answer or appears at the hearing.

(b) The failure of the judge to answer or to appear at the hearing, standing alone, may not be taken as evidence of the truth of the facts alleged to constitute grounds for censure, retirement, or removal. In any proceeding for involuntary retirement for disability, the failure of the judge to testify in the judge's own behalf or to submit to a medical examination requested by the commission on judicial qualifications may be considered, unless the failure to appear was due to circumstances beyond the judge's control.

(c) The proceedings at the hearing shall be reported verbatim.

(d) At least four (4) members of the commission on judicial qualifications must be present when the evidence is produced.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-56

Evidence

Sec. 56. At a hearing before the commission on judicial qualifications the evidentiary rules of the courts of Indiana apply.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-57

Rights of judge in formal proceedings

Sec. 57. (a) In formal proceedings involving the judge's discipline, retirement, or removal, a judge has the right and reasonable opportunity to defend against the charges by the introduction of evidence, to be represented by counsel, and to examine and

cross-examine witnesses. The judge has the right to the issuance of subpoenas for attendance of witnesses to testify or produce books, papers, and other evidentiary matter.

(b) When a transcript of the testimony has been prepared at the expense of the commission on judicial qualifications, a copy shall be furnished without cost to the judge. The judge has the right, without any order or approval, to have all or any part of the testimony in the proceedings transcribed at the judge's expense.

(c) Except as otherwise provided in this chapter, whenever provision is made for giving notice or sending any matter to the judge, that notice or matter must be mailed by registered or certified mail to the judge at the judge's office and residence unless the judge requests otherwise in writing, and a copy is mailed to the judge's attorney of record.

(d) If the judge has been adjudged incapacitated under IC 29-3, the guardian may claim and exercise any right and privilege and make any defense for the judge with the same force and effect as if claimed, exercised, or made by the judge, if competent, and whenever these rules provide for serving or giving notice or sending any matter to the judge, a copy of the notice or matter also shall be served, given, or sent to the guardian.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-58

Amendments to notice or answer

Sec. 58. At any time before determination of the issues, the commission on judicial qualifications may allow or require amendments to the notice of formal proceedings and may allow amendments to the answer. The notice may be amended to conform to proof or to set forth additional facts, whether occurring before or after the commencement of the hearing. If an amendment is made, the judge shall be given reasonable time both to answer the amendment and to prepare and present the judge's defense against the matters charged thereby.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-59

Hearing additional evidence

Sec. 59. The commission on judicial qualifications may order a hearing for the taking of additional evidence at any time while the matter is pending before it. The order must set the date, time, and place of the hearing in St. Joseph County and must indicate the matters on which the evidence is to be taken. A copy of the order shall be sent by registered or certified mail to the judge and to the counsel at least ten (10) days before the date of the hearing.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-60

Recommendation of commission; vote

Sec. 60. If the commission on judicial qualifications finds good

cause, it shall recommend to the supreme court the censure, retirement, or removal of the judge. The affirmative vote of four (4) members of the commission on judicial qualifications, including a majority of those who were present at the hearing or hearings when the evidence was produced, is required for a recommendation of discipline, retirement, or removal of a judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-61

Certified recommendation to supreme court

Sec. 61. Upon making a determination recommending the censure, retirement, or removal of a judge, the commission on judicial qualifications shall promptly file a copy of the recommendation certified by the chairman or secretary of the commission, together with the transcript and findings and conclusions, with the clerk of the supreme court and shall promptly mail to the judge and to the counsel notice of the filing, together with a copy of the recommendation, finding, and conclusions.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-62

Petition to modify or reject commission recommendation

Sec. 62. (a) A petition to the supreme court to modify or reject the recommendation of the commission on judicial qualifications for censure, retirement, or removal of a judge may be filed by the judge within thirty (30) days after the filing with the clerk of the supreme court of the certified copy of the commission's recommendation. The petition must:

- (1) be verified;
- (2) be based on the record;
- (3) specify the grounds relied on; and
- (4) be accompanied by petitioner's brief together with proof of service on the commission of two (2) copies, and on the counsel of one (1) copy, of the petition and the brief.

Within twenty (20) days after service of petitioner's brief the commission on judicial qualifications shall file a respondent's brief and serve a copy of the respondent's brief on the judge. Within twenty (20) days after service of the respondent's brief, the petitioner may file a reply brief, two (2) copies of which shall be served on the commission on judicial qualifications and one (1) copy shall be served on the counsel.

(b) Failure to file a petition within the time provided is considered a consent to the determination on the merits based upon the record filed by the commission on judicial qualifications.

(c) To the extent necessary to implement this section and if not inconsistent with this section, the Indiana Rules of Appellate Procedure are applicable to reviews by the supreme court of commission on judicial qualifications proceedings.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-63

Powers of commission in investigations and hearings

Sec. 63. The commission on judicial qualifications has jurisdiction and powers necessary to conduct the proper and speedy disposition of any investigation or hearing, including the power to compel the attendance of witnesses, to take or cause to be taken the deposition of witnesses, and to order the production of books, records, or other documentary evidence. Any member of the commission on judicial qualifications may administer oaths and affirmations to witnesses in any matter within the jurisdiction of the commission.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-64

Subpoenas

Sec. 64. Subpoenas for the attendance of witnesses and the production of documentary evidence between the commission on judicial qualifications or for discovery shall be issued by the chairman of the commission and shall be served in the manner provided by law for the service of process.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-65

Enforcement of subpoena

Sec. 65. If in any proceeding before the commission on judicial qualifications, any witness fails or refuses to attend upon subpoena issued by the commission or any of the commission's representatives, or appearing, refuses to testify or refuses to produce any books and papers the production of which is called for by the subpoena, the attendance of any witness and the giving of the witness's testimony and the production of the books and papers required shall be enforced by the St. Joseph circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-66

Papers and pleadings filed with commission

Sec. 66. All papers and pleadings filed with the chairman of the commission on judicial qualifications at the chairman's office shall be considered filed with the commission.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-67

Discovery

Sec. 67. (a) In all formal proceedings, discovery shall be available to the commission on judicial qualifications and to the judge in accordance with the Indiana Rules of Civil Procedure. Any motions requesting court orders for discovery shall be made to the St. Joseph circuit court.

(b) In all formal proceedings before the commission on judicial qualifications, the counsel shall furnish to the judge not less than twenty (20) days before any hearing the following:

(1) The names and addresses of all witnesses whose testimony the counsel expects to offer at the hearing together with copies of all written statements and transcripts of testimony of the witnesses in the possession of the counsel or the commission that are relevant to the subject matter of the hearing and that have not previously been furnished the judge.

(2) Copies of all documentary evidence that the counsel expects to offer in evidence at the hearing. The testimony of any witness, except if offered in rebuttal or for impeachment, whose name and address have not been furnished to the judge, and documentary evidence, copies of which have not been furnished to the judge, as provided in this subsection, are not admissible in evidence at the hearing over the objection of the judge. After formal proceedings have been instituted, the judge may request in writing that the counsel furnish to the judge the names and addresses of all witnesses then or thereafter known to the counsel who have information that may be relevant to any charge against the judge and to any defense of the judge with respect to the charge. The counsel shall also furnish copies of such written statements, transcripts of testimony, and documentary evidence as are then or thereafter known to the counsel and are then or thereafter in the possession of the counsel or the commission that are relevant to any charges or defense and that have not previously been furnished the judge. The counsel shall comply with a request within ten (10) days after receipt of the request and thereafter within ten (10) days after any information or evidence becomes known to the counsel.

(c) During the course of an investigation by the commission on judicial qualifications, the judge whose conduct is being investigated may demand in writing that the commission either institute formal proceedings against the judge or enter a formal finding that there is not probable cause to believe that the judge is guilty of any misconduct. The commission on judicial qualifications shall within sixty (60) days after the judge's demand comply with the demand. A copy of the demand must be filed with the supreme court and is a matter of public record. If, after a demand, the commission on judicial qualifications finds that there is not probable cause, that finding must be filed with the supreme court and is a matter of public record.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-68

Retirement; removal

Sec. 68. (a) Whenever a judge of a St. Joseph County court is retired by the supreme court under this chapter and on the grounds set forth in sections 44 and 46 of this chapter, the judge is considered to have retired voluntarily. In these situations, this chapter may not be construed to authorize any encroachment upon or impairment of any rights of the judge or the judge's surviving spouse under any constitutional or statutory retirement program.

(b) A judge of a St. Joseph County court who is removed from office by the supreme court on those grounds set forth in sections 44 and 46 of this chapter, is ineligible for judicial office and, pending further order of the supreme court, shall be suspended from the practice of law in Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-71-69

Magistrates

Sec. 69. (a) The court may appoint two (2) full-time magistrates under IC 33-23-5 to serve the court using the selection method provided by IC 36-1-8-10(b)(1) or IC 36-1-8-10(b)(2). Not more than one (1) of the magistrates appointed under this section may be a member of the same political party.

(b) A magistrate continues in office until removed by the judges of the court.

As added by P.L.98-2004, SEC.12. Amended by P.L.1-2007, SEC.219; P.L.127-2008, SEC.18.

IC 33-33-72

Chapter 72. Scott County

IC 33-33-72-1

Judicial circuit

Sec. 1. Scott County constitutes the sixth judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-72-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Scott superior court.

(b) The Scott superior court is a standard superior court as described in IC 33-29-1.

(c) Scott County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-72-3

Judge; location of court sessions

Sec. 3. The Scott superior court has one (1) judge who shall hold sessions in Scottsburg.

As added by P.L.98-2004, SEC.12.

IC 33-33-72-4

Jurisdiction

Sec. 4. The Scott superior court has the same jurisdiction as the Scott circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-72-5

Small claims and misdemeanor division

Sec. 5. The Scott superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-73

Chapter 73. Shelby County

IC 33-33-73-1

Judicial circuit

Sec. 1. Shelby County constitutes the sixteenth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-73-2

Establishment of standard superior courts

Sec. 2. (a) There are established two (2) courts of record to be known as the Shelby superior court No. 1 and the Shelby superior court No. 2.

(b) Except as otherwise provided in this chapter, each Shelby superior court is a standard superior court as described in IC 33-29-1.

(c) Shelby County comprises the judicial district of the courts.
As added by P.L.98-2004, SEC.12.

IC 33-33-73-3

Judges; location of court sessions

Sec. 3. Each Shelby superior court has one (1) judge who shall hold sessions in the Shelby County courthouse in Shelbyville.
As added by P.L.98-2004, SEC.12.

IC 33-33-73-4

Transcripts

Sec. 4. (a) This section does not apply to criminal cases.

(b) If the transcript of the original papers in a civil action or proceeding received by the clerk of the Shelby circuit court and Shelby superior courts on change of venue from another county contains an order of the court from which venue was changed designating the court to which the case is to be transferred, the clerk shall file the action or proceeding on the docket of the designated court.

(c) If the transcript of the original papers in a civil action or proceeding does not contain an order designating the court to which the case is to be transferred, the clerk shall alternately file each action or proceeding on the docket of the Shelby circuit court and the docket of the Shelby superior courts depending on the order and sequence in which the papers of the cases reach the clerk.

As added by P.L.98-2004, SEC.12.

IC 33-33-73-5

Change of venue

Sec. 5. (a) This section does not apply to criminal cases.

(b) Notwithstanding IC 33-29-1-9, after any action or proceeding is docketed in a Shelby superior court or the Shelby circuit court on change of venue, all parties who have appeared in the case in person or by counsel may agree on and request a transfer from a superior court to the circuit court or from the circuit court to a superior court.

(c) Upon the agreement of all parties, the court in which the action is pending shall order the case transferred to the other court. The clerk shall transmit the original papers of the case to the other court and docket the case in the other court without any transcript being required.

(d) All further proceedings in the case shall take place in the court to which the case is transferred. If the case is one in which the prosecuting attorney is required to appear and defend and a party fails to appear or to employ counsel, the prosecuting attorney has the right to agree to the transfer instead of the nonappearing party or counsel.

As added by P.L.98-2004, SEC.12.

IC 33-33-73-6

Jurisdiction

Sec. 6. The Shelby superior courts have the same jurisdiction as the Shelby circuit court, except that Shelby superior court No. 1 has exclusive juvenile jurisdiction in the county.

As added by P.L.98-2004, SEC.12.

IC 33-33-73-7

Small claims and misdemeanor division

Sec. 7. Shelby superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-74

Chapter 74. Spencer County

IC 33-33-74-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Spencer County constitutes the eighty-fourth judicial circuit.

(b) The Spencer circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-75

Chapter 75. Starke County

IC 33-33-75-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Starke County constitutes the forty-fourth judicial circuit.

(b) The Starke circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-75-2

Magistrate

Sec. 2. The judge of the Starke circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-75-3

Judicial powers

Sec. 3. All inherent powers of judicial mandate in Starke County remain vested solely in the judge of the Starke circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-76

Chapter 76. Steuben County

IC 33-33-76-1

Judicial circuit; magistrate

Sec. 1. (a) Steuben County constitutes the eighty-fifth judicial circuit.

(b) The judges of the Steuben circuit and superior courts may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judges of the Steuben circuit and superior courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-76-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Steuben superior court.

(b) The Steuben superior court is a standard superior court as described in IC 33-29-1.

(c) Steuben County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-76-3

Judge; location of court sessions

Sec. 3. The Steuben superior court has one (1) judge who shall hold sessions in:

(1) the Steuben County courthouse in Angola; or

(2) other places in the county that the Steuben County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-76-4

Jurisdiction

Sec. 4. The Steuben superior court has the same jurisdiction as the Steuben circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-76-5

Small claims and misdemeanor division

Sec. 5. The Steuben superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-77

Chapter 77. Sullivan County

IC 33-33-77-1

Judicial circuit; magistrate

Sec. 1. (a) Sullivan County constitutes the fourteenth judicial circuit.

(b) The judge of the Sullivan circuit court and the judge of the Sullivan superior court may jointly appoint one (1) full-time magistrate under IC 33-23-5 to serve the circuit and superior courts.

(c) The magistrate continues in office until removed by the judge of the Sullivan circuit court and the judge of the Sullivan superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-77-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Sullivan superior court.

(b) The Sullivan superior court is a standard superior court as described in IC 33-29-1.

(c) Sullivan County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-77-3

Judge; location of court sessions

Sec. 3. The Sullivan superior court has one (1) judge who shall hold sessions in:

(1) the Sullivan County courthouse in Sullivan; or

(2) other places in the county that the Sullivan County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-77-4

Jurisdiction

Sec. 4. The Sullivan superior court has the same jurisdiction as the Sullivan circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-77-5

Small claims and misdemeanor division

Sec. 5. The Sullivan superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-78

Chapter 78. Switzerland County

IC 33-33-78-1

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-2

Judicial circuit; small claims and misdemeanor division

Sec. 2. (a) Switzerland County constitutes the ninety-first judicial circuit.

(b) The Switzerland circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12. Amended by P.L.127-2008, SEC.19.

IC 33-33-78-3

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-4

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-5

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-6

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-7

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-8

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-9

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-10

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-78-11

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-12

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-13

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-78-14

Repealed

(Repealed by P.L.127-2008, SEC.21.)

IC 33-33-79

Chapter 79. Tippecanoe County

IC 33-33-79-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-2

Judicial circuit

Sec. 2. Tippecanoe County constitutes the twenty-third judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-3

Establishment of superior court; election of judge

Sec. 3. (a) There is established a court of record to be known as the superior court of Tippecanoe County.

(b) The superior court has one (1) judge, who shall hold office for six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified. The judge shall be elected every six (6) years at the general election.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-4

Seal

Sec. 4. The judge of the superior court shall cause to be provided a seal for the court. The seal must contain on its face the words "Superior Court of Tippecanoe County". A description and impression of the seal shall be spread upon the order book of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-5

Location of court sessions

Sec. 5. The superior court shall hold its sessions at the Tippecanoe County courthouse or at any other convenient place as the board of county commissioners or the judge of the court may provide in Lafayette.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-6

Jurisdiction

Sec. 6. The superior court has the same original and appellate jurisdiction possessed by the Tippecanoe circuit court in civil and criminal cases, but not in matters of probate or juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-7

Process of court

Sec. 7. The process of the superior court must have the seal affixed, and be attested, directed, served, returned, and in the form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-8

Court of record; force and effect of judgments and orders

Sec. 8. The superior court is a court of record and of general jurisdiction, and its judgments, decrees, orders, and proceedings have the same force and effect as those of the circuit court and shall be enforced in the same manner.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-9

Power of court or judge

Sec. 9. The superior court may:

- (1) issue and direct all process to courts of inferior jurisdiction, corporations, and individuals necessary in exercising the court's jurisdiction and for the regular execution of the law;
- (2) make all proper judgments, sentences, decrees, orders, and injunctions;
- (3) issue all process and executions; and
- (4) perform other acts necessary to implement this chapter;

in conformity with the Constitution of the State of Indiana and Indiana law.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-10

Power of judge same as circuit court judge

Sec. 10. The judge of the court may grant restraining orders and injunctions; issue writs of habeas corpus and of mandate and prohibition; appoint receivers, master commissioners, and commissioners to convey real property; grant commissions for the examination of witnesses; and appoint other officers necessary to facilitate and transact the business of said court, conferred on circuit courts or circuit court judges.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-11

Power and authority of judge

Sec. 11. (a) The judge of the court:

- (1) may make and adopt rules and regulations for conducting the business of the court; and
- (2) has the power incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders.

(b) The judge of the court may:

- (1) administer oaths;
- (2) solemnize marriages;
- (3) take and certify acknowledgments of deeds; and

(4) give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-12

Adverse or pecuniary interest of judge

Sec. 12. If the judge of the court is interested, or in the progress of the cause becomes interested, in an action or a matter pending in the court, the action or matter shall be removed for hearing and determination to the Tippecanoe circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-13

Affidavit for change of venue

Sec. 13. (a) When an affidavit for a change of venue is filed in the superior court for any of the causes described in IC 34-35-1-1(1), IC 34-35-1-1(2), IC 34-35-1-1(6), or IC 34-35-1-1(7), a judge of the circuit or a superior court shall be called to hear and determine the cause as provided by law for changes of venue in causes pending in the circuit court.

(b) If the causes are alleged in the affidavit and described in IC 34-35-1-1(3), IC 34-35-1-1(4), and IC 34-35-1-1(5), the change of venue shall be granted and the cause directed to the circuit court of some other county, as provided in cases of changes of venue from the circuit court. The court to which the case is sent has jurisdiction to hear and determine the cause and render judgment.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-14

Dockets; books and papers

Sec. 14. The clerk shall, under the direction of the judge, provide for the court, order books, judgment dockets, execution dockets, fee books, and other books as necessary, and all the books, papers, and proceedings of the court shall be kept distinct and separate from those of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-79-15

Appeals from superior court

Sec. 15. In a case where, under state law, a person has the right of appeal from the circuit court to the supreme court, an appeal may be had from the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2

Chapter 79.2. Tippecanoe Superior Court No. 2

IC 33-33-79.2-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-2

Creation of superior court; election and term of judge

Sec. 2. There is created a court of record to be known as the Superior Court No. 2 of Tippecanoe County. The court has one (1) judge, who holds office for a term of six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor is elected and qualified. The judge shall be elected every six (6) years at the general election.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-3

Judicial district; court of record; seal

Sec. 3. Tippecanoe County constitutes the judicial district of superior court No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-4

Clerk and sheriff of court; bailiff and official reporter

Sec. 4. (a) The clerk of the Tippecanoe circuit court shall be the clerk of superior court No. 2 of Tippecanoe County and the sheriff of Tippecanoe County shall be the sheriff of superior court No. 2 of Tippecanoe County. The clerk and sheriff shall attend court and discharge all the duties pertaining to their respective office as they are required to do by law with reference to the Tippecanoe circuit court.

(b) The judge of superior court No. 2 of Tippecanoe County shall appoint a bailiff and an official reporter for the court to serve during the court. The judge shall fix their compensation within the limits and in the manner provided by law concerning bailiffs and official court reporters. The compensation shall be paid monthly out of the treasury of Tippecanoe County, in the manner provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-5

Location of court sessions; dockets, books, and records

Sec. 5. (a) Superior court No. 2 of Tippecanoe County shall hold sessions in a place to be determined by the county council of Tippecanoe County.

(b) The board of county commissioners of Tippecanoe County shall provide and maintain in the courthouse or at another convenient place as the board of commissioners or the judge of the court may provide at the county seat:

(1) a suitable and convenient courtroom for the holding of court; and

(2) a suitable and convenient jury room and offices for the judge and the official court reporter.

(c) The board of county commissioners shall provide all necessary furniture and equipment for the rooms and offices of the court and all necessary dockets, books, and records for the court.

(d) The county council shall make the necessary appropriations from the general fund of the county for the purpose of carrying out this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-6

Jurisdiction

Sec. 6. Superior court No. 2 of Tippecanoe County has the same original and appellate jurisdiction possessed by the Tippecanoe circuit court in civil and criminal cases, but not in matters of probate or juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-7

Judicial powers

Sec. 7. (a) The judge of superior court No. 2 of Tippecanoe County may make and adopt rules and regulations for conducting the business of superior court No. 2 of Tippecanoe County.

(b) The judge has all powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt and the power to enforce the judge's orders. The judge may:

(1) administer oaths;

(2) solemnize marriages;

(3) take and certify acknowledgments of deeds;

(4) give all necessary certificates for the authentication of records and proceedings of the court; and

(5) make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.2-8

Transfer of actions

Sec. 8. (a) The judge of the Superior Court No. 2 of Tippecanoe County may, with the consent of the judge of the superior court of Tippecanoe County, transfer any action, cause, or proceeding pending in superior court No. 2 of Tippecanoe County to the superior court of Tippecanoe County by transferring all original papers, instruments and orders filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the superior court of Tippecanoe County, if:

(1) the action, cause, or proceeding could have been originally filed and docketed in the superior court of Tippecanoe County;

and

(2) both judges believe the transfer will expedite the disposition of the case, expedite the work of either court, or equalize the work load between the two (2) courts.

(b) The judge of the superior court of Tippecanoe County may, with the consent of the judge of the superior court No. 2 of Tippecanoe County, transfer any action, cause, or proceeding pending in the superior court of Tippecanoe County to the superior court No. 2 of Tippecanoe County by transferring all original papers, instruments, and orders filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the superior court No. 2 of Tippecanoe County if:

(1) the action, cause, or proceeding could have been originally filed and docketed in the superior court No. 2 of Tippecanoe County; and

(2) both judges believe the transfer will expedite the disposition of the case, expedite the work of either court, or equalize the work load between the two (2) courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3

Chapter 79.3. Tippecanoe Superior Court No. 3

IC 33-33-79.3-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-2

Establishment of superior court; seal; judicial district

Sec. 2. There is established a court of record to be known as the Tippecanoe superior court No. 3 (referred to as the court in this chapter). The court may have a seal containing the words "Tippecanoe Superior Court No. 3, Tippecanoe County, Indiana". Tippecanoe County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-3

Judge; election, term, and qualifications

Sec. 3. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Tippecanoe County;
- (2) be less than seventy (70) years of age at the time of taking office; and
- (3) be admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-4

Jurisdiction

Sec. 4. The court has the same jurisdiction as the Tippecanoe circuit court except that the court does not have probate jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-5

Power of judge same as circuit court judges

Sec. 5. The judge of the court has the same powers relating to the conduct of the business of the court as the judge of the Tippecanoe circuit court. The judge of the court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-6

Bailiff and court reporter

Sec. 6. The judge of the court shall appoint a bailiff and an official court reporter for the court. Their salaries shall be fixed in

the same manner as the salaries of the bailiff and official court reporter for the Tippecanoe circuit court. Their salaries shall be paid monthly out of the treasury of Tippecanoe County as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-7

Dockets; books and papers

Sec. 7. The clerk of the court, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-8

Location of court sessions

Sec. 8. The court shall hold its sessions in:

- (1) the Tippecanoe County courthouse in Lafayette; or
- (2) other places in the county as the Tippecanoe County executive may provide.

The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as necessary. The Tippecanoe County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-9

Transfers of actions and proceedings

Sec. 9. The judge of the Tippecanoe circuit court or Tippecanoe superior court No. 1 or No. 2 may, with the consent of the judge of the court, transfer any action or proceeding from the circuit court or superior court No. 1 or No. 2 to the court and the judge of the court may, with consent of the judge of the circuit or other superior court, transfer any action or proceeding from the court to the circuit or other superior court, if the action or proceeding could have been originally filed in the receiving court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-10

Interchange of judges

Sec. 10. The judge of the Tippecanoe circuit or other superior court may, with the consent of the judge of the court, sit as a judge of the court in any matter as if an elected judge of the court. The judge of the court may, with the consent of the judge of the circuit or other superior court, sit as a judge of the circuit or other superior court in any matter as if an elected judge of the circuit or other superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.3-11

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-79.3-12

Rules for conducting business; local rules

Sec. 12. The judge of the court may adopt rules for conducting the business of the court, consistent with the laws and court rules of Indiana. However, when adopting local rules to govern in all the courts of record in the county, the judges of the circuit and superior courts shall act in concert. If there is a disagreement, the decision of a majority of the judges controls. If there is a tie, the decision joined by the circuit court judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4

Chapter 79.4. Tippecanoe Superior Courts No. 4, No. 5, and No. 6

IC 33-33-79.4-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.
As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-2

Establishment of superior courts

Sec. 2. There are established three (3) courts of record to be known as:

- (1) Tippecanoe superior court No. 4;
- (2) Tippecanoe superior court No. 5; and
- (3) Tippecanoe superior court No. 6;

(referred to as "the court" in this chapter). Tippecanoe superior court No. 4, No. 5, and No. 6 may each have a seal containing the words "Tippecanoe Superior Court No. (Insert Court Division Number), Tippecanoe County, Indiana". Tippecanoe County comprises the judicial district of each court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-3

Judges; election

Sec. 3. (a) Tippecanoe superior court No. 4, No. 5, and No. 6 each has one (1) judge, who shall be elected at the general election every six (6) years in Tippecanoe County. The judge's term begins January 1 following the election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must be:

- (1) a resident of Tippecanoe County;
- (2) less than seventy (70) years of age at the time of taking office; and
- (3) admitted to the bar of Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-4

Jurisdiction

Sec. 4. (a) Except as provided in subsection (b), each court has the same jurisdiction as the Tippecanoe circuit court.

(b) Tippecanoe superior court No. 4, No. 5, and No. 6 do not have probate or juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-5

Judicial powers

Sec. 5. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 have the same powers relating to the conduct of the business

of Tippecanoe superior court No. 4, No. 5, and No. 6 as the judge of the Tippecanoe circuit court. The judge of each court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-6

Bailiff and court reporter

Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6:

(1) shall each appoint a bailiff and an official court reporter for the court; and

(2) may each appoint other court personnel necessary to facilitate and transact the business of the court.

A person appointed under this section serves at the pleasure of the judge appointing the person. Their salaries shall be fixed in the same manner as the salaries of the bailiff, official court reporter, and other personnel for the Tippecanoe circuit court. Their salaries shall be paid monthly out of the treasury of Tippecanoe County as provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-7

Magistrate

Sec. 7. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until jointly removed by the judges of the courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-8

Dockets, books, and papers

Sec. 8. The clerk of the circuit court, under the direction of the judge of a court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-9

Location of court sessions

Sec. 9. Each court shall hold its sessions in the Tippecanoe County courthouse in Lafayette or in other places in the county that the Tippecanoe County executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary for each court. The Tippecanoe County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-10

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-79.4-11

Transfer of actions and proceedings

Sec. 11. The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, transfer any action or proceeding from the circuit court to Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with the consent of the judge of the circuit court or the judge of another superior court in the county, transfer any action or proceeding from Tippecanoe superior court No. 4, No. 5, or No. 6 to the circuit court or the other superior court in the county.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-12

Sitting of judges

Sec. 12. The judge of the Tippecanoe circuit court or another superior court in the county may, with the consent of the judge of Tippecanoe superior court No. 4, No. 5, or No. 6, sit as a judge of the court in any matter as if the judge of the circuit court or the other superior court were an elected judge of Tippecanoe superior court No. 4, No. 5, or No. 6. The judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may, with consent of the judge of the circuit court or the judge of another superior court in the county, sit as a judge of the circuit court or the other superior court in any matter as if the judge of Tippecanoe superior court No. 4, No. 5, or No. 6 were an elected judge of the circuit court or the other superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-13

Small claims and misdemeanor divisions

Sec. 13. Tippecanoe superior court No. 4, No. 5, and No. 6 each has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-14

Rules

Sec. 14. (a) Except as provided in this section, a judge of Tippecanoe superior court No. 4, No. 5, or No. 6 may adopt rules for conducting business in the court.

(b) Rules adopted under this section must be consistent with the laws of Indiana and the rules adopted by the supreme court.

(c) When adopting local rules to govern in all the courts of record in the county, the judge of the circuit court and the judges of all superior courts in the county shall act in concert. If there is a disagreement, the decision of a majority of the judges controls. If there is a tie, the decision joined by the circuit court judge controls.

(d) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6 shall jointly adopt rules to provide for the coordination and conduct of the standard small claims and misdemeanor divisions in the courts.
As added by P.L.98-2004, SEC.12.

IC 33-33-79.4-15

Presiding judge

Sec. 15. (a) The judges of Tippecanoe superior court No. 4, No. 5, and No. 6, by rules jointly adopted by the courts, shall designate one (1) of the judges of the courts as presiding judge for the standard small claims and misdemeanor divisions of the courts.

(b) The presiding judge shall insure that the standard small claims divisions operate efficiently.

As added by P.L.98-2004, SEC.12.

IC 33-33-80

Chapter 80. Tipton County

IC 33-33-80-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Tipton County constitutes the thirty-sixth judicial circuit.

(b) The Tipton circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-81

Chapter 81. Union County

IC 33-33-81-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Union County constitutes the eighty-ninth judicial circuit.

(b) The Union circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-82

Chapter 82. Vanderburgh County

IC 33-33-82-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-2

Judicial circuit

Sec. 2. Vanderburgh County constitutes the first judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-3

Magistrate

Sec. 3. The judge of the Vanderburgh circuit court may appoint one (1) full-time magistrate under IC 33-23-5. The magistrate continues in office until removed by the judge.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-4

Judicial powers

Sec. 4. All inherent powers of judicial mandate in Vanderburgh County remain vested in the judges of the county.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-5

Establishment of superior court; judges

Sec. 5. There is established a superior court in Vanderburgh County that consists of seven (7) judges who hold office for six (6) years and until their successors are elected and qualified.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-6

Magistrates

Sec. 6. (a) The judges of the Vanderburgh superior court may jointly appoint not more than four (4) full-time magistrates under IC 33-23-5.

(b) A magistrate continues in office until jointly removed by the judges.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-7

Name

Sec. 7. The court shall be known as the Vanderburgh Superior Court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-8

Seal

Sec. 8. The court shall have a seal consisting of a circular disk containing the words "Vanderburgh Superior Court", "Indiana", and "Seal", and a design as the court may determine, an impression of which shall be spread of record upon the order book of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-82-9

Jurisdiction

Sec. 9. (a) The superior court has:

- (1) original, appellate, concurrent, and coextensive jurisdiction with the circuit court in all civil cases and criminal cases;
- (2) jurisdiction concurrent and coextensive with the circuit court in all cases of appeal from boards of county commissioners and city courts; and
- (3) all other appellate jurisdiction vested in the circuit court.

(b) The superior court has original and exclusive jurisdiction in all matters pertaining to:

- (1) the probate and the settlement of decedents' estates, trusts, and guardianships;
- (2) the probate of wills, proceedings to resist probate of wills, and proceedings to contest wills;
- (3) the appointment of guardians, assignees, executors, administrators, and trustees;
- (4) the administration and settlement of estates of protected persons (as defined in IC 29-3-1-13) and deceased persons, and of trusts, assignments, adoptions, and surviving partnerships; and
- (5) all other probate matters.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-10

Juvenile jurisdiction

Sec. 10. The superior court has exclusive juvenile jurisdiction in Vanderburgh County.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-11

Court of record; force and effect of judgments, decrees, and orders

Sec. 11. The superior court is a court of record and its judgments, decrees, orders, and proceedings have the same force and effect and shall be enforced in the same manner as those of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-12

Power and authority of judges

Sec. 12. (a) The judges of the superior court may make and adopt rules and regulations for conducting the business of the court and have the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders.

(b) The judges may administer oaths, solemnize marriages, take and certify acknowledgment of deeds, and give all necessary certificates for the authentication of the records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-13

Power of judges same as circuit court judges

Sec. 13. The judges of the superior court have the same powers to grant restraining orders and injunctions; to issue writs of habeas corpus; to appoint receivers, masters, and commissioners to convey real property; to grant commissions for the examination of witnesses; to appoint other officers necessary to facilitate and transact the business of the court as conferred on circuit courts or the judges of the circuit court; and to appoint officers necessary to facilitate the business of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-14

Location of court sessions

Sec. 14. (a) The Vanderburgh superior court shall hold sessions in the Vanderburgh County courthouse in Evansville or its replacement.

(b) The board of county commissioners of Vanderburgh County shall:

- (1) provide and maintain in the courthouse suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, offices for the judges, secretaries, and official court reporters, and other facilities as necessary; and
- (2) provide all the necessary furniture and equipment for the rooms and offices of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-15

Dockets; books, papers, and records

Sec. 15. The clerk, under the direction of the superior court, shall provide:

- (1) order books;
- (2) judgment dockets;
- (3) execution dockets;
- (4) fee books; and
- (5) other books, papers, and records necessary for the court.

All books, papers and proceedings of the court shall be kept distinct and separate from those of other records.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-16

Order books; signature of judges

Sec. 16. The superior court shall maintain order books as the court determines necessary for the entire court. An order book may be

signed on behalf of the court by any of the sitting judges of the court and the signature constitutes authentication of the actions of each of the judges in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-17

Court reporter and bailiff

Sec. 17. Each judge of the superior court shall appoint a court reporter, a bailiff, and a riding bailiff for the court whose salaries shall be fixed by the court and paid as provided by law and who serves at the pleasure of the judge making the appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-18

Additional officers and personnel

Sec. 18. The superior court may appoint additional officers and personnel as necessary for the proper administration of the duties of the court, whose salaries shall be fixed by the court and who serve at the pleasure of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-19

Probation officers

Sec. 19. The court shall appoint probation officers who shall perform the same duties and receive the same compensation as is provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-20

Laws and rules applicable to practice and procedure

Sec. 20. All laws of the state and all rules adopted by the supreme court governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointment of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-21

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-82-22

Appeals from orders or judgments

Sec. 22. Any party may appeal to the supreme court or the court of appeals from any order or judgment of the superior court in any case where an appeal may be had from a similar order or judgment of the circuit court. The appeal is governed by the law and rules governing appeals to the court of appeals and the supreme court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-23

Process of court

Sec. 23. The process of the superior court must have the seal affixed and be attested, directed, served, returned, and in the form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-24

Presiding judge

Sec. 24. The superior court, by rules adopted by the court, shall designate one (1) of the judges as presiding judge and fix the time the presiding judge presides. The presiding judge is responsible for the operation and conduct of the court and to seeing that the court operates efficiently and judicially.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-25

Judges; acting in concert; majority decision

Sec. 25. When any action of the entire court is required, the sitting judges of the court shall act in concert. If there is a disagreement, the decision of the majority of the sitting judges controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-26

Transfer of causes from circuit court

Sec. 26. The judge of the circuit court may, with the consent of the superior court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the superior court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-27

Transfer of causes to circuit court

Sec. 27. Any judge of the superior court may, with the consent of the judge of the circuit court transfer any action, cause, or proceeding filed and docketed in the superior court to the circuit court by transferring all original papers and instruments filed in the action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-28

Circuit court judge sitting as superior court judge

Sec. 28. The judge of the Vanderburgh circuit court may sit as a judge of the superior court, with the court's permission, in all matters pending before the superior court, without limitation and without any

further order, in the same manner as if the judge were a judge of the superior court with all the rights and powers as if the judge were an elected judge of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-29

Budget estimates

Sec. 29. The superior court shall submit its budget estimates annually to the auditor of the county for presentment and approval by the county council, as provided in IC 36-2-5.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-30

Small claims and misdemeanor division

Sec. 30. The Vanderburgh superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-82-31

Judges; nonpartisan elections; declaration of candidacy; eligibility

Sec. 31. (a) The judge of the Vanderburgh circuit court and each of the seven (7) judges of the Vanderburgh superior court shall be elected in nonpartisan elections every six (6) years.

(b) During the period under IC 3-8-2-4 in which a declaration of candidacy may be filed for a primary election, any person desiring to become a candidate for any one (1) of the eight (8) judgeships affected by this chapter shall file with the election division a declaration of candidacy adapted from the form prescribed under IC 3-8-2, signed by the candidate and designated which judgeship the candidate seeks. Any petition without the designation shall be rejected by the election division (or by the Indiana election commission under IC 3-8-1-2). To be eligible for election, a candidate must be:

- (1) domiciled in the county of Vanderburgh;
- (2) a citizen of the United States; and
- (3) admitted to the practice of law in Indiana.

(c) If an individual who files a declaration under subsection (b) ceases to be a candidate after the final date for filing a declaration under subsection (b), the election division may accept the filing of additional declarations of candidacy for that judgeship not later than noon August 1.

(d) All candidates for each respective judgeship shall be listed on the general election ballot in the form prescribed by IC 3-11, without party designation. The candidate receiving the highest number of votes for each judgeship shall be elected to that office.

(e) IC 3, where not inconsistent with this chapter, applies to elections under this chapter.

As added by P.L.98-2004, SEC.12. Amended by P.L.58-2005, SEC.37.

IC 33-33-83

Chapter 83. Vermillion County

IC 33-33-83-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Vermillion County constitutes the forty-seventh judicial circuit.

(b) The Vermillion circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-84

Chapter 84. Vigo County

IC 33-33-84-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-2

Judicial circuit

Sec. 2. Vigo County constitutes the forty-third judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-3

Establishment of superior court; judges

Sec. 3. There is established a court of record to be known as the Vigo superior court. The superior court has five (5) judges who shall hold their office for six (6) years and until their successors have been elected and qualified.

As added by P.L.98-2004, SEC.12. Amended by P.L.246-2005, SEC.223.

IC 33-33-84-4

Seal

Sec. 4. The superior court shall have a seal consisting of a circular disk containing the words "Vigo Superior Court of Indiana", and a design as the court may determine, an impression of which shall be spread of record upon the order book of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-5

Jurisdiction

Sec. 5. The superior court has the same jurisdiction as the Vigo circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-6

Court of record; force and effect of judgments and orders

Sec. 6. The judgments, decrees, orders, and proceedings of the superior court have the same force and effect and shall be enforced in the same manner as those of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-7

Power and authority of judges

Sec. 7. The judges of the superior court may make and adopt rules and regulations for conducting the business of the court and have all the powers incident to a court of record in relation to the attendance of witnesses, the punishment of contempts, and the enforcement of its orders. The judges may administer oaths, solemnize marriages,

take and certify acknowledgment of deeds, and give all records and proceedings in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-8

Additional powers of superior court

Sec. 8. The judges of the superior court have the same powers to grant restraining orders and injunctions; to issue writs of habeas corpus; to appoint receivers, masters, and commissioners to convey real property; to grant commissions for the examination of witnesses; to appoint other officers necessary to facilitate and transact the business of the court as conferred on circuit courts or the circuit court judges; and to appoint such officers necessary to facilitate the business of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-9

Personnel

Sec. 9. (a) The superior court may appoint commissioners, probate commissioners, referees, juvenile referees, bailiffs, court reporters, probation officers, and other personnel, including an administrative officer, as the court believes are necessary to facilitate and transact the business of the court. The salaries of the personnel shall be fixed and paid as provided by law. However, if the salaries of any of the personnel are not provided by law, the amount and time of payment of the salaries shall be fixed by the court, to be paid out of the county treasury by the county auditor upon the order of the court, and be entered on record. The officers and persons appointed shall perform the duties as are prescribed by the court. Any such commissioners, probate commissioners, referees, juvenile referees, probation officers, and other personnel appointed by the court serve at the pleasure of the court.

(b) Any probate commissioner appointed by the court may be vested by the court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts, and settlements filed in the court, the appointment of personal representatives, guardians, and trustees, the probating of wills, the taking and hearing of evidence on or concerning such matters, or any other probate, guardianship, or trust matters in litigation before the court, the enforcement of court rules and regulations, and making of reports to the court, including the taking and hearing of evidence together with the commissioner's findings and conclusions, under the final jurisdiction and decision of the judges of the court.

(c) Any juvenile referee appointed by the court may be vested by the court with all suitable powers for the handling and management of the juvenile matters of the court, including the fixing of bonds, the taking and hearing of evidence on or concerning any juvenile matters in litigation before the court, the enforcement of court rules and

regulations, the making of reports to the court concerning the referee's doings under final jurisdiction and decision of the judges of the court.

(d) A probate commissioner and juvenile referee may summon witnesses to testify before the commissioner and juvenile referee, administer oaths, and take acknowledgments in connection with and in furtherance of their duties and powers.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-10

Location of court sessions

Sec. 10. (a) The Vigo superior court shall hold its sessions in the Vigo County courthouse or its replacement in Terre Haute.

(b) The board of county commissioners of Vigo County shall:

(1) provide and maintain in the courthouse suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, offices for the judges, secretaries, and official court reporters, and other facilities as may be necessary; and

(2) provide all the necessary furniture and equipment for the rooms and offices of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-11

Books, papers, and records

Sec. 11. The clerk, under the direction of the superior court, shall provide:

- (1) order books;
- (2) judgment dockets;
- (3) execution dockets;
- (4) fee books; and
- (5) other books, papers, and records;

as may be necessary for the court. All books, papers, and proceedings of the court shall be kept distinct and separate from those of other records.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-12

Order book

Sec. 12. The superior court shall maintain order books as the court may determine necessary for the entire court, which may be signed on behalf of the court by any of the sitting judges of the court. The signature constitutes authentication of the actions of each of the judges in the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-13

Court reporter, bailiff, and secretary

Sec. 13. Each judge of the superior court shall appoint a court reporter, a bailiff, and a secretary for the court whose salaries shall

be fixed by the court and paid as provided by law, and who serve at the pleasure of the judge making the appointment.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-14

Appointment of additional personnel

Sec. 14. The superior court may appoint additional officers and personnel as may be necessary for the proper administration of the duties of the court, whose salaries shall be fixed by the court and who serve at the pleasure of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-15

Probation officers

Sec. 15. The superior court shall appoint probation officers who shall perform the same duties and receive the same compensation as is provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-16

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-84-17

Process of court

Sec. 17. The process of the superior court must have the seal affixed and be attested, directed, served, returned, and in the form as is provided for process issuing from the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-18

Presiding judge

Sec. 18. The superior court, by rules adopted by the court, may designate one (1) of the judges as presiding judge and fix the time the presiding judge presides. The presiding judge is responsible for the operation and conduct of the court and seeing that the court operates efficiently and judicially.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-19

En banc; disagreements

Sec. 19. The judges of the superior court may sit en banc and act in concert. The judge of the circuit court may also sit en banc with the judges of the superior court. If there is a disagreement while sitting en banc, the decision of the majority of the judges controls. However, in the absence of a majority, the decision of the presiding judge controls.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-20

Authority of judge to sit in either court

Sec. 20. The judge of the Vigo circuit court may sit as a judge of the superior court, with the court's permission, in all matters pending before the superior court, without limitation and without any further order, in the same manner as if the judge were an elected judge of the superior court.

As added by P.L.98-2004, SEC.12.

IC 33-33-84-21**Small claims and misdemeanor division**

Sec. 21. Vigo superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-85

Chapter 85. Wabash County

IC 33-33-85-1

Judicial circuit

Sec. 1. Wabash County constitutes the twenty-seventh judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-85-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Wabash superior court.

(b) The Wabash superior court is a standard superior court as described in IC 33-29-1.

(c) Wabash County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-85-3

Judge; location of court sessions

Sec. 3. The Wabash superior court has one (1) judge who shall hold sessions in:

(1) the Wabash County courthouse in Wabash; or

(2) other places in the county that the Wabash County executive provides.

As added by P.L.98-2004, SEC.12.

IC 33-33-85-4

Jurisdiction

Sec. 4. The Wabash superior court has the same jurisdiction as the Wabash circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-85-5

Small claims and misdemeanor division

Sec. 5. The Wabash superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-86

Chapter 86. Warren County

IC 33-33-86-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Warren County constitutes the twenty-first judicial circuit.

(b) The Warren circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-87

Chapter 87. Warrick County

IC 33-33-87-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-2

Judicial circuit

Sec. 2. Warrick County constitutes the second judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-3

Establishment of superior court

Sec. 3. There are established two (2) courts of record to be known as "Warrick superior court No. 1" and "Warrick superior court No. 2".

As added by P.L.98-2004, SEC.12.

IC 33-33-87-4

Seal

Sec. 4. Each superior court shall have a seal consisting of a circular disk containing the words "Warrick Superior Court No. 1" or "Warrick Superior Court No. 2" and a design as each court may determine.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-5

Force and effect of superior court actions

Sec. 5. Each superior court's judgments, decrees, orders, and proceedings have the same force and effect and shall be enforced in the same manner as those of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-6

Jurisdiction

Sec. 6. Each superior court has the same jurisdiction as the Warrick circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-7

Transfer of actions and proceedings

Sec. 7. (a) The judge of the circuit court may, with the consent of a superior court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the superior court by transferring all original papers and instruments filed in the action, cause, or proceeding, without further transcript, to be redocketed and disposed of as if originally filed with the court.

(b) The judge of a superior court may, with the consent of the

judge of the circuit court, transfer any action, cause, or proceeding filed and docketed in the court to the circuit court by transferring all original papers and instruments filed in the action, cause, or proceeding, without further transcript, to be redocketed and disposed of as if originally filed with the circuit court.

(c) The judge of a superior court may, with the consent of the judge of the other superior court, transfer any action, cause, or proceeding filed and docketed in the court to the other court to be redocketed and disposed of as if originally filed with the other court.
As added by P.L.98-2004, SEC.12.

IC 33-33-87-8

Sitting of judges

Sec. 8. (a) The judge of the Warrick circuit court may, with a superior court's permission, sit and act as a judge of the superior court in all matters before the court, without limitation and without any further order in the same manner and with all the rights and powers as if the judge were an elected judge of the superior court.

(b) The judge of the Warrick superior court No. 1 or Warrick superior court No. 2 may, with the circuit court's permission, sit and to act as a judge of the circuit court in all matters pending before the circuit court, without limitation and without any further order in the same manner and with all the rights and powers as if the judge were the elected judge of the circuit court.

(c) The judge of a superior court may, with the consent of the judge of the other superior court, sit as a judge of the other court in any manner as if elected as the judge of the other court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-9

Powers of judges

Sec. 9. (a) The Warrick superior court No. 1 or Warrick superior court No. 2 may make rules for conducting the business of the court.

(b) The Warrick superior court No. 1 or the Warrick superior court No. 2 may issue warrants and issue and direct all processes that are necessary in exercising the jurisdiction conferred under this chapter. The Warrick superior court No. 1 or Warrick superior court No. 2 may make all proper judgments, sentences, decrees, and orders, issue all process, and do all acts necessary or proper to carry the jurisdiction conferred under this chapter into effect.

(c) The Warrick superior court No. 1 or the Warrick superior court No. 2 has the same power as the circuit court or a judge of the circuit court in relation to the attendance of witnesses, the punishment of contempts, and the enforcing of a court's orders. The Warrick superior court No. 1 or Warrick superior court No. 2 may administer oaths and give all necessary certificates for the authentication of the records and proceedings of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-10

Judges; term

Sec. 10. There shall be one (1) judge of the Warrick superior court No. 1 and one (1) judge of the Warrick superior court No. 2 who shall hold office for six (6) years, beginning on the first day of January after a judge's election and until the judge's successor is elected and qualified.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-11**Judges; discipline**

Sec. 11. The judge of the Warrick superior court No. 1 and the Warrick superior court No. 2 shall be subject to all disciplinary rules promulgated by the supreme court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-12**Election**

Sec. 12. The voters of Warrick County shall elect every six (6) years a judge for the Warrick superior court No. 1 and a judge for the Warrick superior court No. 2 at the general election.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-13**Qualifications**

Sec. 13. To be eligible to hold office as a superior court judge, a person must:

- (1) be a resident of Warrick County;
- (2) be less than seventy (70) years of age at the time of taking office; and
- (3) be admitted to the practice of law in Indiana.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-14**Vacancy**

Sec. 14. Any vacancy occurring in the office of the judge of the superior court shall be filled by appointment by the governor in the same manner as are vacancies in the office of the judge of the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-15**Small claims and misdemeanor division**

Sec. 15. Warrick superior court No. 1 has a standard small claims and misdemeanor division. Warrick superior court No. 2 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-16**Practice and procedure**

Sec. 16. (a) All laws and rules adopted by the supreme court

enacted governing the circuit court in matters of pleading, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court are applicable to and govern the superior courts.

(b) Notwithstanding subsection (a), in cases on the civil small claims docket, the following exceptions to the laws and rules described in subsection (a) apply:

(1) A defendant is considered to have complied with the statute and rule requiring the filing of an answer upon entering the defendant's appearance personally or by attorney. An appearance is considered a general denial and preserves all defenses and compulsory counterclaims that may then be presented at the trial of the cause.

(2) If at the trial of the cause the court determines that the complaint is so vague and ambiguous that the defendant was unable to determine the nature of plaintiff's claim or that the plaintiff is surprised by a defense or compulsory counterclaim raised by the defendant that the plaintiff could not reasonably have anticipated, the court shall grant a continuance.

(3) The trial must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law, and may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence except provisions relating to privileged communications and offers of compromise.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-17

Trial by jury

Sec. 17. Whenever a trial by jury is demanded, a judge of the superior court may call a jury from the list provided to the court, although the filing of a small claim shall be considered a waiver of trial by jury by the plaintiff. The defendant may, not later than ten (10) days after being served, make demand for a trial by jury by affidavit stating that there are questions of fact requiring a trial by jury, specifying them, and stating that the demand is intended in good faith. The court shall then cause the claim to be transferred to the regular docket and the defendant shall pay the filing fee charged for filing civil actions in circuit court. Upon transfer a claim loses its status as a small claim and is subject to all ordinary rules and procedure.

As added by P.L.98-2004, SEC.12. Amended by P.L.118-2007, SEC.24.

IC 33-33-87-18

Satisfaction of judgment

Sec. 18. When the judgment or order in the small claims division of the superior court is against the defendant, the defendant shall pay

the judgment or order immediately or at any time and upon such terms and conditions as the judge prescribes. If the judge orders that the judgment shall be paid in specified installments, the judge may stay the issuance of execution and other supplementary process during compliance with the order. The stay may be modified or vacated by the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-19

Judgments; lien on real estate

Sec. 19. All judgments rendered in the small claims division of a superior court shall be properly recorded in the judgment docket book of the court. The judgments are liens on real estate in the same manner as judgments in a court of general jurisdiction become liens on real estate under IC 34-55-9.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-20

Appeals

Sec. 20. An appeal of a judgment from a standard small claims and misdemeanor division of a superior court shall be taken in the same manner and under the same rules and statutes and with the same assessment of costs as cases appealed from the circuit courts. The appeal in a small claims case must be commenced and perfected within thirty (30) days after the entry of judgment or the right to appeal is waived.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-21

Bailiff; court reporter; additional personnel

Sec. 21. Each superior court shall appoint a bailiff, a court reporter, and the additional personnel necessary to carry out the business of the court. The duties, salaries, and terms of the bailiff and recorder shall be regulated in the same manner as provided for the circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-87-22

Location of court sessions

Sec. 22. (a) Warrick superior court No. 1 and Warrick superior court No. 2 shall hold sessions in:

- (1) the Warrick County courthouse in Boonville; or
 - (2) any other place in Warrick County as the board of county commissioners may provide.
- (b) The board of county commissioners of Warrick County shall:
- (1) provide and maintain a suitable and convenient courtroom for the holding of a superior court, suitable and convenient jury rooms, offices for the judges and official court reporters, and other facilities as may be necessary; and
 - (2) provide all the necessary furniture and equipment for the

rooms and offices of a court.

(c) The county council shall appropriate sufficient funds for the rooms, facilities, furniture, and equipment.

As added by P.L.98-2004, SEC.12.

IC 33-33-88

Chapter 88. Washington County

IC 33-33-88-1

Judicial circuit; small claims and misdemeanor division

Sec. 1. (a) Washington County constitutes the forty-second judicial circuit.

(b) The Washington circuit court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-88-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Washington superior court.

(b) The Washington superior court is a standard superior court as described in IC 33-29-1.

(c) Washington County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-88-3

Judge; location of court sessions

Sec. 3. The Washington superior court has one (1) judge who shall hold sessions in:

(1) the Washington County courthouse in Salem; or

(2) other places in the county that the Washington County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-88-4

Jurisdiction

Sec. 4. The Washington superior court has the same jurisdiction as the Washington circuit court, except that the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-88-5

Small claims and misdemeanor division

Sec. 5. The Washington superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-89

Chapter 89. Wayne County

IC 33-33-89-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-2

Judicial circuit

Sec. 2. Wayne County constitutes the seventeenth circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-3

Establishment of superior court

Sec. 3. There is established a court of record to be known as the Wayne superior court No. 1. The court consists of one (1) judge, who shall hold office for six (6) years, beginning on the first day of January after the judge's election, and until the judge's successor has been elected and qualified. The judge shall be elected every six (6) years at the general election.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-4

Judicial district

Sec. 4. Wayne County constitutes the judicial district of the Wayne superior court No. 1.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-5

Bailiff and court reporter

Sec. 5. The judge of the superior court shall appoint a bailiff and an official court reporter for the court, to serve during the pleasure of the court. The judge shall fix their per diem or salary within the limits and in the manner as provided by law concerning bailiffs and official court reporters. The bailiff and court reporter shall be paid monthly out of the treasury of Wayne County in the manner provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-6

Location of court sessions

Sec. 6. (a) The superior court shall hold its sessions in the Wayne County courthouse in Richmond.

(b) The board of commissioners of Wayne County shall:

(1) provide and maintain in the courthouse:

(A) a suitable and convenient courtroom for the holding of the court; and

(B) a suitable and convenient jury room and offices for the presiding judge and the official court reporter; and

(2) shall provide all necessary furniture and equipment for the rooms and offices and all necessary dockets, books, and records for the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-7

Jurisdiction

Sec. 7. The Wayne superior court No. 1 has the same jurisdiction as the Wayne circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89-8

Judicial powers

Sec. 8. (a) The judge of the Wayne superior court No. 1:

(1) may make and adopt rules and regulations for conducting the business of the Wayne superior court; and

(2) has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempt, and the enforcement of its orders.

(b) The judge of the court may:

(1) administer oaths;

(2) solemnize marriages;

(3) take and certify acknowledgment of deeds;

(4) give all necessary certificates for the authentication of records and proceedings of the court; and

(5) make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2

Chapter 89.2. Wayne Superior Court No. 2

IC 33-33-89.2-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-2

Judicial circuit

Sec. 2. There is established a court of record to be known as the Wayne superior court No. 2. The court has one (1) judge, who shall hold office for a term of six (6) years, beginning on the first day of January after the judge's election and until the judge's successor is elected and qualified. The judge of the court shall be elected every six (6) years at the general election.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-3

Establishment of superior court; judge; election

Sec. 3. Wayne County constitutes the judicial district of the Wayne superior court No. 2. The court shall have a seal containing the words "Wayne Superior Court No. 2, of Wayne County, Indiana."

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-4

Judicial district

Sec. 4. The judge of the Wayne superior court No. 2 shall appoint a bailiff and an official court reporter for the court, to serve at the pleasure of the court. The judge shall fix their compensation within the limits and in the manner as may be provided by law concerning bailiffs and official court reporters. The compensation shall be paid monthly out of the treasury of Wayne County in the manner provided by law.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-5

Bailiff and court reporter

Sec. 5. The terms of the Wayne Superior Court No. 2 shall be held in a judicial district under IC 33-23-2.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-6

Location of court sessions

Sec. 6. (a) The Wayne superior court No. 2 shall hold its sessions in a place to be determined by the county council of Wayne County.

(b) The board of county commissioners of Wayne County:

(1) shall provide and maintain in the courthouse:

(A) a suitable and convenient courtroom for the holding of

court; and

(B) suitable and convenient jury room and offices for the judge and the official court reporter; and

(2) shall provide all necessary furniture and equipment for the rooms and offices of the court, and all necessary dockets, books, and records for the court.

(c) The county council shall make the necessary appropriations from the general fund of the county for the purpose of carrying out this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-7

Jurisdiction

Sec. 7. The Wayne superior court No. 2 has the same jurisdiction as the Wayne circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-8

Judicial powers

Sec. 8. The judge of the Wayne superior court No. 2:

(1) may make and adopt rules and regulations for conducting the business of the Wayne superior court No. 2;

(2) has all powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt and the power to enforce the judge's orders; and

(3) may administer oaths, solemnize marriages, take and certify acknowledgments of deeds, give all necessary certificates for the authentication of records and proceedings of the court, and make and execute certificates of qualification and moral character of persons petitioning to be commissioned as notaries public.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.2-9

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-89.2-10

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-89.3

Chapter 89.3. Wayne Superior Court No. 3

IC 33-33-89.3-1

Application

Sec. 1. IC 33-29-1 does not apply to this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-2

Establishment of superior court

Sec. 2. There is established a court of record having general jurisdiction to be known as the Wayne superior court No. 3 (referred to as "the court" in this chapter). The court may have a seal containing the words "Wayne Superior Court No. 3, Wayne County, Indiana". Wayne County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-3

Judge; election

Sec. 3. (a) The court has one (1) judge, who shall be elected at the general election every six (6) years in Wayne County. The judge's term begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.

(b) To be eligible to hold office as judge of the court, a person must:

- (1) be a resident of Wayne County;
- (2) be less than seventy (70) years of age at the time the person takes office;
- (3) be admitted to the bar of Indiana; and
- (4) have practiced law at least five (5) years.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-4

Jurisdiction

Sec. 4. The court has the same jurisdiction as the Wayne circuit court and Wayne superior courts No. 1 and No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-5

Judicial powers

Sec. 5. The judge of the court has the same powers relating to the conduct of business of the court as the judge of the Wayne circuit court and the judges of Wayne superior courts No. 1 and No. 2. The judge has all powers incident to a court of record in relation to the attendance of witnesses and punishment for contempt, and the power to enforce the judge's orders. The judge may administer oaths, solemnize marriages, take and certify acknowledgements of deeds, and give all necessary certificates for the authentication of records and proceedings of the judge's court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-6

Personnel

Sec. 6. The judge of the court may appoint a bailiff, official court reporter, referee, commissioner, and any other personnel as the judge considers necessary to facilitate and transact the business of the court. The judge of the court shall fix their compensation within the limits and in the manner as provided by law concerning these officers and employees. These personnel serve at the pleasure of the court and are paid monthly in the manner of payment for officers and employees of Wayne circuit court and Wayne superior courts No. 1 and No. 2.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-7

Books, dockets, and papers

Sec. 7. The clerk, under the direction of the judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for the court, which shall be kept separately from the books and papers of other courts.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-8

Location of court sessions

Sec. 8. (a) The court shall hold its sessions in a place to be determined and provided by the county council of Wayne County.

(b) The board of county commissioners of Wayne County:

(1) shall provide and maintain in the courthouse a suitable and convenient courtroom for holding the court and suitable and convenient jury room and offices for the judge, official court reporter, and staff of the court; and

(2) shall provide all necessary furniture and equipment for the rooms, offices, and employees of the court and all necessary dockets, books, and records for the court.

(c) The county council shall make all necessary appropriations from the general fund of the county for the purpose of carrying out this chapter.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-9

Repealed

(Repealed by P.L.118-2007, SEC.38.)

IC 33-33-89.3-10

Sitting of judges

Sec. 10. The judges of the Wayne circuit court and Wayne superior courts No. 1 and No. 2 may, with the consent of the judge of the court, sit as judge of the court in any matter in the small claims and minor offenses division of the court, as if the judge were an elected judge of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-11

Transfer of actions and proceedings

Sec. 11. The judges of the Wayne circuit court and Wayne superior courts No. 1 and No. 2 may, with the consent of the judge of the court, transfer any action, cause, or proceeding filed and docketed in the Wayne circuit court, Wayne superior court No. 1, or Wayne superior court No. 2, to the court by transferring all original papers and instruments filed in such an action, cause, or proceeding. The action, cause, or proceeding shall be treated as if originally filed with the court. The judge of the court may, with the consent of the judge of the Wayne circuit court, Wayne superior court No. 1, or Wayne superior court No. 2, transfer any action, cause, or proceeding filed and docketed in the court, except a cause properly docketed in the small claims or minor offenses division of the court, to the Wayne circuit court, Wayne superior court No. 1, or Wayne superior court No. 2, by transferring all original papers and instruments filed in the action, cause, or proceeding. The action, cause, or proceeding shall be treated as if originally filed with the transferee court. However, if any cause, action, or proceeding transferred under this section is later transferred on change of venue to a court of another county or if any cause is appealed to the court of appeals or supreme court of Indiana, then the party taking the change of venue or appeal may have a transcript made of the proceedings in each court, certified by the clerk of that court. The transcript has the same force and effect and gives the court to which it is taken on change of venue or appeal the same jurisdiction, as though this transcript had been originally made when the cause was transferred to the transferee court.

As added by P.L.98-2004, SEC.12.

IC 33-33-89.3-12

Small claims and misdemeanor division

Sec. 12. The Wayne superior court No. 3 has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-90

Chapter 90. Wells County

IC 33-33-90-1

Judicial circuit

Sec. 1. Wells County constitutes the twenty-eighth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-90-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Wells superior court.

(b) The Wells superior court is a standard superior court as described in IC 33-29-1.

(c) Wells County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-90-3

Judge; location of court sessions

Sec. 3. The Wells superior court has one (1) judge who shall hold sessions in:

(1) the Wells County courthouse in Bluffton; or

(2) other places in the county that the Wells County executive may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-90-4

Jurisdiction

Sec. 4. The Wells superior court has the same jurisdiction as the Wells circuit court, except that the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-90-5

Small claims and misdemeanor division

Sec. 5. The Wells superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-91

Chapter 91. White County

IC 33-33-91-1

Judicial circuit

Sec. 1. White County constitutes the thirty-ninth judicial circuit.
As added by P.L.98-2004, SEC.12.

IC 33-33-91-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the White superior court.

(b) The White superior court is a standard superior court as described in IC 33-29-1.

(c) White County comprises the judicial district of the court.
As added by P.L.98-2004, SEC.12.

IC 33-33-91-3

Judge; location of court sessions

Sec. 3. The White superior court has one (1) judge who shall hold sessions in:

(1) the White County courthouse in Monticello; or

(2) other places in the county that the board of county commissioners of White County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-91-4

Jurisdiction

Sec. 4. The White superior court has the same jurisdiction as the White circuit court.

As added by P.L.98-2004, SEC.12.

IC 33-33-91-5

Small claims and misdemeanor division

Sec. 5. The White superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.

IC 33-33-92

Chapter 92. Whitley County

IC 33-33-92-1

Judicial circuit

Sec. 1. Whitley County constitutes the eighty-second judicial circuit.

As added by P.L.98-2004, SEC.12.

IC 33-33-92-2

Establishment of standard superior court

Sec. 2. (a) There is established a court of record to be known as the Whitley superior court.

(b) The Whitley superior court is a standard superior court as described in IC 33-29-1.

(c) Whitley County comprises the judicial district of the court.

As added by P.L.98-2004, SEC.12.

IC 33-33-92-3

Judge; location of court sessions

Sec. 3. The Whitley superior court has one (1) judge who shall hold sessions in:

(1) the Whitley County courthouse in Columbia City; or

(2) other places in the county that the board of county commissioners of Whitley County may provide.

As added by P.L.98-2004, SEC.12.

IC 33-33-92-4

Small claims referee

Sec. 4. (a) If the Whitley county executive establishes the position of small claims referee to serve the Whitley superior court, the judge of the Whitley superior court may appoint a part-time small claims referee under IC 33-29-3 to assist the court in the exercise of its small claims jurisdiction.

(b) The small claims referee is entitled to reasonable compensation not exceeding twenty thousand dollars (\$20,000) as recommended by the judge of the Whitley superior court to be paid by the county after the compensation is approved by the county fiscal body. The state shall pay fifty percent (50%) of the salary set under this subsection and the county shall pay the remainder of the salary.

(c) The Whitley County executive shall provide and maintain a suitable courtroom and facilities for the use of the small claims referee, including furniture and equipment, as necessary.

(d) The Whitley superior court shall employ administrative staff necessary to support the functions of the small claims referee.

(e) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

As added by P.L.98-2004, SEC.12.

IC 33-33-92-5

Jurisdiction

Sec. 5. The Whitley superior court has the same jurisdiction as the Whitley circuit court, except that the circuit court has juvenile jurisdiction.

As added by P.L.98-2004, SEC.12.

IC 33-33-92-6**Small claims and misdemeanor division**

Sec. 6. The Whitley superior court has a standard small claims and misdemeanor division.

As added by P.L.98-2004, SEC.12.