

Effective January 1, 2024

Underline new language

~~Language stricken~~

Only these portions of local rules are being requested amended effective January 1, 2024.

### **102.4.3. Photographs**

The taking of photographs, sound recording (except by official court reporters in the performance of their duties), broadcasting by radio, television, telephone, or any other means, in connection with any judicial proceeding in the environs of the court complex in Elkhart County **is only allowed by Judicial Conduct Rule 2.17 and the Elkhart County Court's Administrative Rule III** ~~is prohibited; except when court is not in session~~ or as required by court streaming as authorized by the Indiana Supreme Court. The incidental use of cameras and other recording devices ~~are~~ **is** permitted in investiture, ceremonial, training, marital, or other non-judicial proceeding at which a judicial officer may permit the taking of photographs, broadcasting, live streaming, televising, or recording. The same ~~are~~ **is** allowed after adoption hearings after the court has concluded ~~it~~ **its** official duties and the court has officially declared itself off the official record. A judicial officer, by specific order, may allow the use of cameras or audio/visual recording equipment in a ~~Judicial Officer's~~ **judicial officer's** courtroom in an individual case so long as authorized by the Supreme Court of Indiana.

### **104.2.1. Division Assignments.**

The ~~calendar year~~ term of the Superior Court ~~shall be yearly~~ **is a calendar year.**

The Elkhart Superior Court consists of six (6) judges.

(a) There is established a criminal division. Three (3) judges of the Elkhart Superior Court shall serve in the criminal division. Elkhart Superior Court 1; Elkhart Superior Court 3; Elkhart Superior Court 4 are the superior courts of the criminal division.

(b) There is established a family division. One (1) judge shall serve in the family division. Elkhart Superior Court 6 is the superior court of the family division.

(c) There is established a civil division. Two (2) ~~shall~~ judges shall serve in the civil division. Elkhart Superior Court 2 and Elkhart Superior Court 5 are the superior courts of the civil division.

(d) There is established a small claims and misdemeanor division pursuant to IC § 33-29-2. The administrative judge, in consultation with the judges of Elkhart Circuit Court and the Elkhart Superior Court, may assign ~~a magistrate or magistrates to this division~~ judicial officers as allowed by law.

**106.1.1 Assigning new, subsequent, and recharged cases:**

a. Subsequent cases:

1. Except for cases assigned to the Elkhart County Drug Court, if the defendant in a pending criminal case is charged with new offenses that carry no greater penalty than the pending charges, the subsequent charges must be filed in the same court hearing the original case.

2. If a new case carrying greater penalties is filed against the defendant in a pending case, the original case must be transferred to the court hearing the subsequent case. ~~Except~~ , except domestic battery cases.

3. ~~A Pending case include is a case filed in a local court that has not yet had a final disposition, or, has had a final disposition, but the defendant is under a withheld or suspended sentence that the new case could affect.~~ In cases that have a final disposition and defendant is under a withheld sentence and a new case is filed in a different court pursuant to the filing order, the court that has the withheld case may transfer the case to the court that has the new case, and that court must accept the transfer.

**106.3 Magistrate Assignments**

<u>Judicial Officer</u>	<u>Circuit</u>	<u>Superior 1</u>	<u>Superior 2</u>	<u>Superior 3</u>	<u>Superior 4</u>	<u>Superior 5</u>	<u>Superior 6</u>
<u>Elizabeth Bellin</u>	<u>5.00</u>						
<u>Dean Burton</u>		<u>2.50</u>	<u>.50</u>			<u>1.00</u>	<u>1.00</u>
<u>Eric Ditton</u>	<u>.50</u>	<u>1.50</u>	<u>.50</u>		<u>1.00</u>	<u>1.00</u>	<u>.50</u>
<u>James</u>	<u>.50</u>	<u>.50</u>					<u>4.00</u>

<u>Fox</u>							
<u>Total days Reported for all additional Judicial officers</u>	<u>6.00</u>	<u>4.50</u>	<u>1.00</u>	<u>0.00</u>	<u>1.00</u>	<u>2.00</u>	<u>5.50</u>
<u>Have calculated for WGL</u>	<u>2.20</u>	<u>1.90</u>	<u>1.20</u>	<u>1.00</u>	<u>1.20</u>	<u>1.40</u>	<u>2.10</u>
<u>Need for each court</u>	<u>2.42</u>	<u>2.25</u>	<u>1.33</u>	<u>1.07</u>	<u>1.30</u>	<u>1.52</u>	<u>2.45</u>
<u>Utilization totals</u>	<u>1.10</u>	<u>1.18</u>	<u>1.11</u>	<u>1.07</u>	<u>1.08</u>	<u>1.08</u>	<u>1.16</u>

**Effective January 1, 2024**

<u>Judicial Officer</u>	<u>Circuit</u>	<u>Superior 1</u>	<u>Superior 2</u>	<u>Superior 3</u>	<u>Superior 4</u>	<u>Superior 5</u>	<u>Superior 6</u>
<u>Elizabeth Bellin</u>							<u>5.00</u>
<u>Dean Burton</u>		<u>2.00</u>	<u>.50</u>			<u>1.50</u>	<u>1.00</u>
<u>Eric Ditton</u>	<u>.50</u>	<u>1.00</u>	<u>.50</u>		<u>2.00</u>	<u>.50</u>	<u>.50</u>
<u>James Fox</u>							<u>5.00</u>
<u>Total days reported for all additional judicial officers</u>	<u>1.50 days</u>	<u>3.00 days</u>	<u>1.00 day</u>	<u>None</u>	<u>2.00 days</u>	<u>2.00 days</u>	<u>11.50 days</u>

Judicial Officer	Circuit	Superior 1	Superior 2	Superior 3	Superior 4	Superior 5	Superior 6
Have calculated for WCL	<u>1.10</u>	<u>1.60</u>	<u>1.20</u>	<u>1.00</u>	<u>1.40</u>	<u>1.40</u>	<u>3.30</u>
Need for each court	<u>1.33</u>	<u>2.18</u>	<u>1.36</u>	<u>1.10</u>	<u>1.44</u>	<u>1.73</u>	<u>4.23</u>
Utilization totals	<u>1.21</u>	<u>1.36</u>	<u>1.13</u>	<u>1.10</u>	<u>1.03</u>	<u>1.23</u>	<u>1.28</u>

**Rule LR20-AR00-109. Organization of the Superior Court.**

**109.1 Divisions.**

The Elkhart superior court consists of six (6) judges.

(a) Three (3) judges of the Elkhart superior court shall serve in the criminal division. Elkhart Superior Court 1; Elkhart Superior Court 3; Elkhart Superior Court 4 are the superior courts of the criminal division. There are two (2) ~~Magistrate Judges~~ **appointed judicial officers** assigned to the criminal division.

(b) One (1) judge shall serve in the family division. Elkhart Superior Court 6 is the superior court of the family division. There are three (3) ~~Magistrate Judges~~ **appointed judicial officers** assigned to the family division.

(c) Two (2) judges shall serve in the civil division. Elkhart Superior Court 2 and Elkhart Superior Court 5 are the superior courts of the civil division. There is one (1) ~~Magistrate Judge~~ **appointed judicial officer** assigned to the civil division.

**109.2. Problem-Solving Court.**

A Problem-Solving: Drug Court is established in the Elkhart Superior Court 4.

**109.3. Misdemeanor and Small Claims Division.**

There is established a small claims and misdemeanor division pursuant to IC § 33-29-2. Traffic violations, infraction and ordinance violations are heard in the Misdemeanor and Small Claims Division. The administrative judge, after consultation with the judges of Elkhart Superior ~~court~~ **Courts** and the judge of the Elkhart Circuit ~~court~~ **Court**, may assign a ~~magistrate or magistrates~~ **appointed judicial officer(s)** to this division. Cases in the Misdemeanor and Small Claims Division shall not be deemed assigned to the judge sitting, nor any other ~~Judge~~ **judge**, except upon proper motion for change of venue.

#### 109.4. Magistrate Judges.

Magistrate Judges appointed pursuant to IC § 33-23-5 shall continue in office until removed by the judges of the Elkhart Superior Court and the Elkhart Circuit Court. I.C. § 33-23-5-8.5 provides that a Magistrate Judge has the same powers as a judge except for the mandate of funds. IC 33-23-5-8.5.

A. Any Court may, with or without the consent of the parties, assign to a Magistrate or other appointed judicial officers the responsibility to hear specific, currently disputed matters.

B. The Magistrate, or other appointed judicial officers, shall, with reasonable promptness, hear such matters and ~~shall~~ issue findings and orders as allowed by law.

C. Complaints regarding the timeliness of any disposition shall be made to the referring ~~Court~~ court.

D. All filings related to any matter referred to a Magistrate, or other appointed judicial officers ~~shall~~ must be made to the Clerk of the Court or ~~Court Staff~~ court staff and forwarded to the Magistrate, or other appointed judicial officers.

E. No change of venue from a Magistrate or other appointed judicial officer(s) shall be granted. A change of venue from the referring ~~Court~~ court or the appointed judicial officer may be sought under applicable Trial Rules.

F. Referral of a matter to a Magistrate, or other appointed judicial officer ~~shall~~ does not operate as an appointment of a special judge, temporary judge, or a judge pro tempore.

#### 109.5 Appointment of Court Administrator and Administrative Judge.

(a) The Elkhart Superior Court judges and the Elkhart Circuit Court judge ~~shall~~ may appoint a Court Administrator. The ~~superior and circuit court~~ Superior and Circuit Court judges ~~shall~~ must determine the duties of the Court Administrator.

(b) The Superior and Circuit ~~Judges~~ judges shall appoint one of their members, by a majority determination, as the ~~administrative judge~~ Administrative Judge for the Superior Courts and the Circuit ~~Courts~~ Court and determine a term of service for the ~~administrative judge~~ Administrative Judge.

(c) The ~~administrative judge~~ Administrative Judge shall supervise the ~~court administrator~~ Court Administrator.

- (d) The ~~administrative judge~~ **Administrative Judge** shall, from time to time, but at least annually, report and make recommendations to the ~~superior court~~ **Superior Court** judges and the ~~circuit court~~ **Circuit Court** judge concerning: an annual budget; appointments or selections that are required of a superior court or circuit **court** judge under any statute; ~~Evaluation~~ **and evaluation** of the Court Administrator.
- (e) The ~~administrative judge~~ **Administrative Judge**, after consultation with the judges of the ~~superior court~~ **Superior Courts** and ~~circuit court judge~~ **Circuit Court**, may determine, for the efficient operation and conduct of the ~~superior and circuit courts~~ **Superior and Circuit Courts**, the assignment of cases and magistrate judges, including assigning specific cases normally assigned to a division, to a judge, or magistrate judge in another division. A judge may be assigned cases in other divisions. A magistrate judge may be assigned cases in other divisions. Calculations of the various Weighted Judicial Measures of the courts, judges, ~~and~~ magistrate judges, **or other appointed judicial officers** involved should be considered in any such readjustment and assignment of cases.
- (f) Any action of the ~~administrative judge~~ **Administrative Judge** may be modified by a majority of the ~~superior and circuit court~~ **Superior and Circuit Court** judges.

### 401.3. Judicial Officers in Family Court.

A. Judge of Elkhart Superior Court 6

B. Three (3) ~~Magistrates~~ **appointed judicial officers** assigned as follows:

- ~~\_\_\_\_\_~~ 1. Magistrate One: Title IV-D Court.
- ~~\_\_\_\_\_~~ 2. Magistrate Two: Juvenile Court.
- ~~\_\_\_\_\_~~ 3. Magistrate Three: Family Court.

## Rule LR20- FL00-405. Problem Solving Settlement Conferences Effective January 1, 2024.

### 405.1. When Required.

A Problem Solving Settlement Conference is required after filing in DR, DC, DN, JP, JC, GU, and AD, Grandparent Visitation, and Change of Name cases. ~~with the exception of cases filed by the Title IV-D Prosecutor's office. (Problem Solving Settlement Conferences are encourage for Title IV-D Cases.)~~

#### **Rule LR20-FL00-406. Triage of Family Law Cases Effective January 1, 2024.**

##### **406. Three Pathways.**

**406.1.** Applied to DR, DC, DN, JP, GU, and AD, Grandparent Visitation, and Change of Name cases. ~~with the exception of cases filed by the Title IV-D Prosecutor's office. (Problem Solving Settlement Conferences are encourage for Title IV-D Cases.)~~

##### **425.2 Assignment of ~~Magistrate(s)~~ Judicial Officer(s) to IV-D Court.**

The Judge of the Family Court Division of the Elkhart Superior Court shall assign a ~~magistrate(s)~~ judicial officer(s) to hear IV-D matters.

##### **425.3 Responsibilities of IV-D ~~Magistrates~~ Judicial Officer(s).**

The IV-D ~~magistrate~~ Judicial Officer(s) appointed by the Judge ~~judge~~ and assigned to hear IV-D matters ~~Court have~~ has the authority to preside over actions under Title IV-D of the Social Security Act.

#### **LR20-SC00-503. Forms.**

(A) Court's Forms. The Court, in conjunction with the Clerk of the Circuit and Superior Courts, has prepared forms for use by parties, the Clerk, and the Court. All parties shall use the forms as drafted. The use of a modified or altered form may result in the pleading or motion being struck from the record or denied. Copies of the forms, as updated from time to time, can be obtained at the Access to Justice Center and ~~on-line~~ online at the Court's website ([www.ElkhartCountyIndiana.com/courts](http://www.ElkhartCountyIndiana.com/courts)).

(B) Signature Line. All proposed orders and forms requiring the signature of a judicial officer shall have a signature line for "~~Magistrate~~ Judicial Officer, Elkhart Superior Court".

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