

# Indiana Court Rules Administrative Rules

*Including Amendments Received Through January 1, 2012*

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### **Rule 1. Preparation and Filing of Statistical Reports**

**(A) Preparation of Forms.** The Division of State Court Administration (Division), pursuant to these rules and IC 33-24-6-3, shall draft forms to be used in the gathering of statistical data and other information and shall submit the proposed forms to the Supreme Court for approval. After the Supreme Court approves the forms the Division shall distribute the forms to all courts to be used in preparation of reports.

### **(B) Quarterly Case Status Reports.**

- (1) All trial courts shall prepare quarterly case status reports, on forms approved under the provisions of Administrative Rule 1(A), concerning the judicial work of their respective courts. The last day of the reporting period for the quarterly case status reports shall be March 31, June 30, September 30, and December 31.
- (2) The judge of the trial court may require clerks, court reporters, or any other officer or employee of the court to furnish the information needed to prepare the reports.
- (3) The judge of the trial court shall cause the quarterly case status reports to be filed with the Division no later than ten (10) calendar days after the end of the reporting period in electronic format as established by the Division.
- (4) The method for assigning case numbers set out below is intended for all purposes, including court costs, but it does not affect the court's ability to waive multiple court costs in selected cases or to try related cases as one.
  - (a) **Criminal Cases and Infractions.** The clerk shall assign one case number to each defendant charged with one or more criminal offenses or infractions arising out of the same incident, or multiple incidents occurring on the same date, to be tried as one case, regardless of the number of counts or citations charged against the defendant. The case shall be designated as a MR--Murder, FA--Class A Felony, FB--Class B Felony, FC--Class C Felony, FD--Class D Felony, CM--Criminal Misdemeanor, MC--Miscellaneous Criminal, or IF--Infraction, and shall be counted as one case on the quarterly case status report. When the defendant is charged with multiple charges involving different case type categories, the case number shall be designated so as to reflect only the most serious charge.
  - (b) **Ordinance Violations.** Counts or citations charging ordinance violations shall not be included in the criminal case. The clerk shall assign one case number designated as an OV - Local Ordinance Violation, or OE - Exempted Ordinance Violation case type to each defendant charged with one or more ordinance violations arising out of the same incident, or multiple incidents occurring on the same date, to be tried

as one case, regardless of the number of counts or citations charged against the defendant, and the case shall be counted as one case on the quarterly case status report.

- (c) Juvenile Cases. The clerk shall assign a separate case number to each juvenile who is the subject of a Juvenile CHINS--JC, Juvenile Delinquency--JD, Juvenile Status--JS, Juvenile Termination of Parental Rights--JT, Juvenile Paternity--JP and Juvenile Miscellaneous--JM case, for all events and conduct that arise out of the same incident. Each juvenile case number shall be counted as a case on the court's quarterly case status reports.

### **(C) Probation Reports.**

- (1) All probation officers or probation departments shall compile and prepare reports on the information required by IC 11-13-1-4 concerning the work of the respective office. All probation officers or probation departments shall file, on forms approved pursuant to the provisions of Administrative Rule 1(A), the following reports:
  - (a) Quarterly statistical reports. The last day of the reporting period for the quarterly reports shall be March 31, June 30, September 30, and December 31.
  - (b) An annual operations report. The reporting period for the annual operations report begins on January 1 and ends on December 31.
- (2) The quarterly statistical reports and the annual operations report shall be filed with the Division no later than ten (10) calendar days after the end of the reporting period, in electronic format as established by the Division.
- (3) Every trial judge or chief judge of a unified court system shall require the probation officer or probation department subject to the judge's direction and control to comply with these reporting requirements.

**(D) Judge's Confirmation of Reporting.** The judge of the court or the chief judge of a unified court system shall review all reports and confirm, through a process established by the Division, the completion and filing of all reports.

**(E) County Caseload Plans.** The courts of record in a county shall, by a local rule, implement a caseload allocation plan for the county that ensures an even distribution of judicial workload among the courts of record in the county.

- (1) Schedule for Plans. The Indiana Supreme Court Division of State Court Administration (Division), with Supreme Court approval, shall prepare and publish a schedule for the submission and approval of such local caseload allocation plans. The schedule shall ensure that the courts of record in each county must review and submit a new plan or re-submit an existing plan not less than once every two (2) years.
- (2) Weighted Caseload Measures and Caseload Variance. Based on the statistical reports submitted pursuant to this rule and a weighted caseload measures system, the Division shall prepare and publish annually a weighted caseload report on the caseload of the Indiana trial courts of record.

The caseload allocation plans required under this section must ensure that the variance, or difference, in utilization between any two courts of record in the county does not exceed 0.40 based on a weighted caseload measures system.

- (3) Approval of Plans. With Supreme Court approval, the Division may approve a county plan that complies with the 0.40 utilization variance, return a plan that does not comply and request revisions, grant an exception for good cause shown, or reject a plan for not complying with the utilization variance. Should a county fail to adopt such a plan, the Supreme Court shall prescribe a plan for use by the county.

 [Schedule and Format for Adoption of County Caseload Allocation Plans \(with Supreme Court Order\)](#)

### **Rule 2. Reporting Fiscal Matters**

**(A) Preparation of Fiscal Reporting Forms.** The Division of State Court Administration (Division), pursuant to these rules and IC 33-24-6-3, shall draft forms to be used in the gathering of revenue, budget and expenditure data from the courts and shall submit the proposed forms to the Supreme Court for approval. The revenue report forms shall collect data on the revenues generated by the operation of the courts within the county, the categories for which monies were collected, the amounts collected in each category, and how the collected funds were distributed. The budget and expenditure forms shall collect data on the requested budgets of the courts and their offices for the upcoming calendar year, the approved budgets for the courts and their offices for the upcoming year, the actual expenditures of the court and their offices during the previous calendar year, specifying the categories for which funds were requested, approved and spent.

After the Supreme Court approves the forms the Division shall distribute the forms to all courts to be used in preparation of reports. All trial courts shall prepare, on forms approved under the provisions of this rule, fiscal reports on the receipt and expenditure of public money by and for the operation of the courts.

- (B) Report of Clerk on Revenues.** Within ten (10) days after the close of the calendar year, the Clerk of the Court shall report to the judge of the court, or chief judge of a unified court system, all information necessary for the completion of the revenue report form. In the case of a City or Town Court, if there is no clerk, the judge of a City or Town Court shall prepare such report.
- (C) Report of Judge.** The judge of the trial court or the chief judge of a unified court system shall cause the fiscal reports to be filed with the Division no later than twenty (20) days after the end of the calendar year for the reporting period in electronic format as established by the Division.
- (D) Judge's Confirmation of Reporting.** The judge of the court or the chief judge of a unified court system shall review all reports and confirm, through a process established by the Division, the completion and filing of all reports.

### **Rule 3. Administrative Districts**

- (A) The State of Indiana is hereby divided into twenty-six (26) administrative districts as follows:
- (1) District 1, consisting of Lake County;
  - (2) District 2, consisting of Porter, Newton, Jasper and Benton Counties;
  - (3) District 3, consisting of LaPorte, Starke and Pulaski Counties;
  - (4) District 4, consisting of St. Joseph County;
  - (5) District 5, consisting of Elkhart, Marshall and Kosciusko Counties;
  - (6) District 6, consisting of LaGrange, Steuben, Noble, DeKalb and Whitley Counties;
  - (7) District 7, consisting of Allen County;
  - (8) District 8, consisting of Fulton, Miami, Cass and Howard Counties;
  - (9) District 9, consisting of Wabash, Huntington, Wells and Adams Counties;
  - (10) District 10, consisting of White, Carroll and Tippecanoe Counties;
  - (11) District 11, consisting of Warren, Fountain, Montgomery, Vermillion and Parke Counties;
  - (12) District 12, consisting of Clinton, Boone, Tipton and Hamilton Counties;
  - (13) District 13, consisting of Marion County;
  - (14) District 14, consisting of Grant and Madison Counties.;
  - (15) District 15, consisting of Blackford, Jay, Delaware, Randolph and Henry Counties;
  - (16) District 16, consisting of Hendricks and Morgan Counties;
  - (17) District 17, consisting of Hancock, Shelby and Johnson Counties;
  - (18) District 18, consisting of Wayne, Rush, Fayette, Union and Franklin Counties;
  - (19) District 19, consisting of Vigo, Clay, Putnam and Sullivan Counties;
  - (20) District 20, consisting of Owen, Greene, Monroe and Lawrence Counties;
  - (21) District 21, consisting of Brown, Bartholomew, Decatur, Jackson and Jennings Counties;
  - (22) District 22, consisting of Ripley, Dearborn, Ohio, Jefferson and Switzerland Counties;
  - (23) District 23, consisting of Scott, Clark and Floyd Counties;
  - (24) District 24, consisting of Orange, Washington, Crawford and Harrison Counties;
  - (25) District 25, consisting of Knox, Daviess, Martin, Pike, Dubois, Perry and Spencer Counties; and,
  - (26) District 26, consisting of Gibson, Posey, Vanderburgh and Warrick Counties.
- (B) The Board of Directors of the Judicial Conference of Indiana shall, by rule, establish a structure for the governance, management and administration of the judicial districts.

### **Rule 4. Committees**

#### **(A) Records Management Committee.**

- (1) Creation and Members.** There is hereby created a committee to be known as the Records Management Committee. The Records Management Committee shall consist of members representative of the agencies responsible for the management and maintenance of the records of the courts throughout the State of Indiana. The members of the Records Management Committee shall be appointed by the Supreme Court and

shall serve at the pleasure of the Court. A member of the Supreme Court shall serve as chair of the Committee. The Executive Director and staff of the Division of State Court Administration shall assist the Committee in the performance of its duties.

- (2) **Duties of the Committee.** The Records Management Committee shall conduct a continuous study of the practices, procedures, and systems for the maintenance, management and retention of court records employed by the courts and offices serving the courts of this State. Such study may include micrographics, imaging, copiers, fax machines, courtroom security and disaster prevention planning. The committee shall submit to the Supreme Court from time to time recommendations for the modernization, improvement and standardization of such practices, procedures and systems.
- (3) **Meetings and Compensation.** The Records Management Committee shall meet at the call of the chair. The Records Management Committee shall act by vote of a majority of the members present at a committee meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Records Management Committee.
- (4) **Suggestions for Improvement.** The Committee shall encourage suggestions from all interested parties and the public for the improvement of the records management system employed by the courts and court agencies. These recommendations should be submitted in writing to the Division of State Court Administration.

**(B) Judicial Technology and Automation Committee.**

- (1) **Creation and Members.** In order to develop a uniform policy on implementation of information technology by the Indiana judicial system, there is hereby created a committee to be known as the Indiana Judicial Technology and Automation Committee. The members of the Committee shall be appointed by the Supreme Court and shall serve at the pleasure of the Court. A member of the Supreme Court shall serve as chair of the Committee. The Executive Director and staff of the Division of State Court Administration shall assist the Committee in the performance of its duties.
- (2) **Duties of the Committee.** The Judicial Technology and Automation Committee shall conduct a continuous study of information technology applications for Indiana's judicial system. The Committee's charge includes but is not limited to the development of a long-range strategy for technology and automation in Indiana's judicial system. Such strategy may involve approaches for funding and implementation as well as the development of standards for judicial information case management systems, judicial data processing, electronic filing, deployment and use of judicial information on the Internet, and for all related technologies used in the courts. The Committee shall from time to time recommend to the Supreme Court the implementation of policies, standards and rules which promote effective use of technology and automation in the courts.
- (3) **Meetings and Compensation.** The Committee shall meet at the call of the chair. The Committee shall act by a vote of a majority of the members present at a committee meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Committee.

**(C) Indiana Supreme Court Commission on Race and Gender Fairness.**

- (1) **Creation and Members.** There is hereby created a commission to be known as the Indiana Supreme Court Commission on Race and Gender Fairness. The commission shall consist of not less than ten (10) and not more than twenty-five (25) members representative of the Indiana judiciary, the practicing bar, academia, state and local government, public organizations, law enforcement, and corrections. The members of the commission shall be appointed by the Supreme Court and shall serve for a period of five (5) years each at the pleasure of the Supreme Court. The Supreme Court shall appoint a chair of the commission. A member of the commission shall serve as secretary. The Executive Director and staff of the Division of State Court Administration shall assist the commission in performance of its duties.
- (2) **Duties of the Commission.** The Indiana Supreme Court Commission on Race and Gender Fairness shall study the status of race and gender fairness in Indiana's justice system and shall investigate ways to improve race and gender fairness in the courts, legal system, among legal service providers, state and local government, and among public organizations. The Commission shall from time to time recommend to the Supreme Court the implementation of policies and procedures which promote race and gender fairness in the courts, among legal service providers in state and local government and by public organizations.

- (3) **Meetings and Compensation.** The commission shall meet at the call of the chair. The commission shall act by vote of a majority of the members present at a commission meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Commission.

**(D) Indiana Supreme Court Committee on Self-Represented Litigants.**

- (1) **Creation, Members and Staff Support.** There is hereby created a committee to be known as the Indiana Supreme Court Committee on Self-Represented Litigants. The committee shall consist of members representative of the Indiana judiciary, the practicing bar, academia, state and local government and public organizations. The Supreme Court shall appoint the members and shall appoint one of them as chair of the Committee. Except for initial terms, which shall be staggered, the term of each member and chair shall be three (3) years. The members shall serve at the pleasure of the Supreme Court. The Executive Director and staff of the Division of State Court Administration shall assist the Committee in the performance of its duties.
- (2) **Duties of the Committee.** The Indiana Supreme Court Committee on Self-Represented Litigants shall conduct a continuous study of the practices, procedures, and systems for serving self-represented litigants in Indiana courts. The Committee's charge includes but is not limited to providing a long-range strategy for improving access to justice for self-represented litigants. Such strategy may involve development of protocols for judges, clerks, and their staffs in addition to providing general guidance to the courts, legal service providers, and public organizations through training about meeting the needs of self-represented litigants. The Committee shall from time to time recommend to the Supreme Court the implementation of policies and procedures that promote access to justice in the courts for self-represented litigants.
- (3) **Meetings and Compensation.** The Indiana Supreme Court Committee on Self-Represented Litigants shall meet not less than four times per year and other times at the call of the chair. The Committee shall act by vote of a majority of the members present at a committee meeting. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation, as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses necessary for the performance of any duty incidental to service on the Committee.

**(E) Indiana Supreme Court Advisory Commission on Guardian ad Litem (“GAL”)/Court Appointed Special Advocate (“CASA”)**

- (1) **Creation, Members and Staff Support.** There is hereby created a commission to be known as the Indiana Supreme Court Advisory Commission on GAL/CASA. The Commission shall consist of eighteen (18) members representative of the Indiana judiciary and directors of certified, volunteer based GAL/CASA programs. The Commission shall include three GAL/CASA program directors and one member of the judiciary each from four regions of Indiana (North, South, East, West) and two at-large members of the judiciary. The Indiana Supreme Court shall appoint the members. The term of each member and the chair shall be three (3) years. The terms of the program directors shall be staggered so that one representative is appointed from each region every year. The terms of the judicial representatives shall also be staggered so that two judicial representatives are appointed each year. All members shall serve at the pleasure of the Supreme Court. The Commission members shall elect a Chair, Vice-Chair and other officers at the first meeting of the year. The Executive Director and of the Division of State Court Administration, the Division's GAL/CASA Director and Division staff shall assist the Commission in the performance of its duties. The Division GAL/CASA Director shall serve as ex-officio member of the Commission.
- (2) **Duties of the Commission.** The Indiana Supreme Court Advisory Commission on GAL/CASA shall conduct a continuous study of the GAL/CASA services in Indiana and shall provide support and guidance to the Indiana Supreme Court on how best to provide GAL/CASA services. The Commission's charge includes but is not limited to providing a long-range strategy for promoting, expanding and training child advocacy GAL/CASA programs. The Commission shall from time to time review the GAL/CASA Program Standards and Code of Ethics and make recommendations to the Supreme Court for their improvement.
- (3) **Meetings and Compensation.** The Commission shall meet at least quarterly and at such other times as called by the chair. The Commission shall act by a vote of a majority. For voting purposes, a simple majority of a nine-member quorum is required. All members who are public employees shall serve without compensation. Members who are not public employees shall receive a per diem compensation, as the Supreme Court shall fix from time to time. All members shall receive mileage and reimbursement for reasonable expenses for the performance of any duty incidental to service on the Commission.

**Rule 5. Payment and Notification Procedures**

- (A) **Special Judge Fees.** The Division of State Court Administration shall administer the payment procedure for special judge fees in accordance with this provision.

- (1) *Entitlement.* As provided in Trial Rule 79(P), all persons other than a full-time judge, magistrate, or other employee of the judiciary who serve as special judge are entitled to a fee of twenty-five dollars (\$25.00) per day for each jurisdiction served for the entry of judgments and orders and hearings incidental to such entries. Persons residing outside the county where service is rendered shall be entitled to mileage and reimbursement paid in accordance with standards set for other public officials of the State. Senior Judges who serve as special judges shall be paid in accordance with a schedule published by the Executive Director of State Court Administration. Senior Judges are not entitled to compensation for special judge service when the service is performed on the same day he or she serves as a senior judge.
- (2) *Procedure for Payment.* A special judge shall file his or her claim for compensation with the Division of State Court Administration on forms provided by such agency as prescribed by the State Board of Accounts. Any claim for services as special judge shall encompass a specified period of time and shall include all such services rendered during such period of time. The Division of State Court Administration shall present the claim form to the Auditor of the State for payment.
- (3) *Timely Filing of Claims.* Claims for compensation shall be filed by the special judge no later than ninety (90) days from the date of service.

**(B) Senior Judges.** The Division of State Court Administration shall administer the payment procedures for senior judges in accordance with the provisions set forth in this rule.

- (1) *Appointment.* The Court of Appeals, the Tax Court, a circuit, superior or probate court may request that the Supreme Court provide senior judge services. The request must contain the reasons for the request and the estimated duration of the need for senior judge services. Upon approving the request, the Supreme Court may appoint one or more senior judges to serve the requesting court consistent with this rule. The Supreme Court shall fix the term or period of time for the senior judge appointment.
- (2) *Number of Senior Judge Days for Requesting Court.* Each year, the Supreme Court shall fix, based upon the recommendation of the Executive Director of the Indiana Supreme Court Division of State Court Administration, who shall use the Indiana Weighted Caseload Measures System, the annual statistical reports, and other relevant criteria, the number of senior judge days that each court may use. Every court authorized in this rule to use senior judges will be entitled to a minimum of ten (10) days of senior judge service during the year of appointment.
- (3) *Qualification for Senior Judge Status.* A person who is certified by the Indiana Judicial Nominating Commission may serve as senior judge. Each year the Indiana Judicial Nominating Commission shall certify to the Supreme Court that a person who is certified:
  - (a) (i) has served in their judicial capacity for at least four (4) years and (ii) at least one of those years was within five (5) years of the application or, in the event the four years of service was more than five (5) years prior to the application, has served at least thirty (30) days as a senior judge during a calendar year within five (5) years of the application; except that the Indiana Judicial Nominating Commission may, upon the finding of exceptional circumstances, waive the foregoing criteria and certify a senior judge with less service than specified above;
  - (b) agrees to serve as a senior judge for at least thirty (30) days in the year of appointment and has not in any previous year of service failed to serve for at least thirty (30) days without good cause as determined by the Indiana Judicial Nominating Commission.
  - (c) agrees to comply with the Code of Judicial Conduct; further agrees to not serve as an elected official or employee of a governmental entity or subdivision except with Supreme Court permission;
  - (d) agrees to serve where assigned; and that the service shall be substantially equivalent to the daily calendar of the court to which the senior judge is assigned;
  - (e) agrees to continue to serve in all special judge cases in which the person who is certified was serving as a special judge at the time the person left office without receiving senior judge credit for such service; however, upon the finding of exceptional circumstances at the discretion of the Supreme Court, a senior judge serving as a special judge may receive senior judge credit;
  - (f) agrees,
    - (i) in the case of a senior judge appointed or assigned to serve a trial court, not to represent any client in any case before a court in which the senior judge is appointed or assigned as senior judge and to disclose to the parties coming before him in his capacity as a senior judge whenever, within the previous one (1) year, he has served as an ADR neutral for: 1) a lawyer or lawyer's firm of a party to the case, or 2) a party currently before the court. Following the disclosure, unless all parties agree on the record that the senior judge may hear the case, the senior judge must recuse; and,

- (ii) in the case of a senior judge appointed or assigned to serve an appellate court, (1) not to represent any client in any case before an Indiana appellate court, (2) not to serve as an ADR neutral in any case in which he or she participated as a judicial officer, (3) not to serve as a judicial officer in any case in which he or she participated as an ADR neutral, and (4) not to represent any client in any case before a tribunal whose decisions are subject to review by an Indiana appellate court.

(g) is fit to serve as a senior judge.

- (4) *Jurisdiction.* A senior judge shall have the same jurisdiction as the presiding judge of the court where the judge is appointed but only during the days that the senior judge is serving in such court. A senior judge who has been appointed to serve in a court shall have jurisdiction at any time during such appointment to officiate at marriages and administer oaths the same as the judge of the court of service. A senior judge retains jurisdiction in an individual case on the order of the presiding judge of the court in which the case is pending;
- (5) *Oath of Office.* Upon initial certification as a senior judge, the senior judge shall take an oath of office and shall file it with the Clerk of the Indiana Supreme Court.
- (6) *Per Diem Allowance.* As provided by statute, a senior judge is entitled to senior judge service credit and a per diem allowance of one hundred dollars (\$100.00) per day for the first thirty (30) days of service in a calendar year. Pursuant to statute, the Indiana Supreme Court may adjust the per diem rate and increase it to not more than two hundred fifty dollars (\$250.00) for each day of service after the first thirty (30) days. A senior judge who serves less than the daily calendar of the court where the judge is serving shall report only the fractional amount of the day served for payment and credit. A senior judge residing outside of the county where service is rendered is entitled to reimbursement for mileage at a rate equal to other public officials as established by state law and reasonable expenses incurred in performing the duties of senior judge for each day served. A senior judge may not be compensated as such for more than one hundred (100) calendar days in the aggregate during any one calendar year.
- (7) *Procedure for Payment.* A senior judge shall file a claim for compensation with the Division of State Court Administration (Division) on forms provided by such agency as prescribed by the State Board of Accounts. The Division shall promptly present the claim to the Auditor of State for payment. Claims for compensation shall be filed no later than thirty (30) days from the date of service.
- (8) *Qualification for Benefits.* As provided by statute, a senior judge who is appointed by the Supreme Court to serve for a period equal to or greater than thirty (30) working days is a state employee for purposes for state insurance benefits. A senior judge becomes eligible for state insurance upon appointment. In the event a senior judge fails to serve at least thirty (30) days during any year of appointment, that senior judge's eligibility to state insurance benefits based on senior judge service shall cease and terminate at the end of that year. A senior judge whose eligibility to state insurance benefits has terminated under this subsection may become eligible again if the judge is certified by the Judicial Nominating Commission pursuant to Section (B)(3) of this Rule and is appointed to serve in a court, but only after serving as a senior judge a minimum of thirty (30) days during the year of appointment. A senior judge who waives per diem pay is entitled to receive senior judge service credit and to state insurance benefits for service that substantially complies with the appointment of the Supreme Court. As used in this rule, term "state insurance benefits" includes group health, life, dental, and vision insurance benefits and other benefits offered by the State of Indiana to its elected officials from time to time.
- (9) *Senior Judge Serving as Mediator.* A senior judge who is also a registered mediator and serves as a mediator in court-ordered mediation pursuant to IC 33-23-3-3, or on a pro bono basis, may receive senior judge service credit for said mediation service provided that the senior judge is not compensated at a rate greater than the per diem rate for senior judges.

**(C) Notice of Commencement or Termination of Term in Office and Employment.**

- (1) *Notice by Judges.* Each elected or appointed circuit, superior, county, probate, city, town or small claims court judge shall give notice to the Indiana Supreme Court Division of State Court Administration of:
  - (a) the commencement and termination of the judge's term of office;
  - (b) the employment or termination of any magistrate, referee, commissioner, hearing officer, or other appointed judicial officer, whether such judicial officer is paid by the State of Indiana or by another entity. This notice must designate the position as full or part time, state the number of hours per week that the position requires and identify all court(s) in which such appointed judicial officer shall serve.
- (2) *Notice by Prosecuting Attorneys.* Each elected or appointed prosecuting attorney shall give notice to the Indiana Supreme Court Division of State Court Administration of:

- (a) the commencement and termination of the prosecuting attorney's term of office and, pursuant to statute, whether the position will be full or part time;
  - (b) the employment or termination of a deputy prosecuting attorney whose salary is paid by the State of Indiana and, pursuant to statute, whether the position will be full or part time.
- (3) *Content and Time of Notice.* The notice must be given at least two (2) weeks in advance of the beginning or termination of the term in office or employment on forms designed by the Division of State Court Administration.

 [Schedule for Payment For Senior Judges Who Serve as Special Judges And Senior Judges Who Serve as Mediators](#)

## **Rule 6. Court Case Records Media Storage Standards**

**(A) Application of Standards.** All courts and clerks of court in the State of Indiana shall meet the standards set forth under this rule regarding the use of: (1) microfilm for the preservation of any record of a court or a court agency; (2) digital imaging technology for the storage and preservation of any record of a court or of a court agency; (3) hybrid systems producing both digital images and microfilm; and, (4) any related system created by advances in technology for the preservation of any record of a court or of a court agency. These standards shall apply to all records, regardless of medium, kept by courts, their clerks, and court agencies, including the methods used to reproduce or create records electronically and to the methods, systems, and formats used to store, archive, and reproduce records electronically for the purpose of maintenance and preservation of records. Only those records or record series which have been approved for microfilming under Administrative Rule 7 shall be eligible for microfilming.

### **(B) Definitions. The following definitions shall apply to this Administrative Rule 6:**

- (1) “*Archival*,” as this term applies to records maintained in electronic form, means that point at which a document is no longer subject to modification and is maintained to ensure reasonably its preservation according to the appropriate record retention schedule as found in Administrative Rule 7.
- (2) “*Clerk*” means the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, the Clerk of a Circuit, Superior, Probate, or County Court, the Clerk of a City or Town Court, and the Clerk of a Marion County Small Claims Court, including staff.
- (3) “*Court*” means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, City, Town, or Small Claims Courts.
- (4) “*Court Agency*” means a section, division, or department performing duties for the Court or Clerk and which has been created by statute or court rule or works at the direction of the court or clerk of court.
- (5) “*Court Case Record*” has the same meaning as “*Case Record*” that is defined in Administrative Rule 9(C)(2).
- (6) “*Digital Image*” means an electronic file consisting of digital data, which, when reconstructed on a display screen, a hard copy print, or on microfilm, appears as the original document.
- (7) “*Digital Imaging*” means the process by which a document or photograph is scanned by a computer and converted from analog format to a computer-readable digital format.
- (8) “*Digital Duplicate*” means any copy of digital images used for reference or communication.
- (9) “*Digital Imaging File Format*” means the program used to store Digital Masters of Digital Images.
- (10) “*Digital Master*” means the record copy of an electronic record transferred directly from a computer onto an electronic storage medium.
- (11) “*Digital Media*” refers to the physical method for storing digital records and images. There are two types: magnetic and optical. Examples of the former are magnetic disks, tape, and Digital Audio Tape (DAT). Examples of optical media include Compact Disk (C-D, CD-ROM), Write- Once, Read-Many (WORM) disk, Erasable Optical Disk (EO), and Digital Versatile Disk (DVD).
- (12) “*Division*” means the Division of State Court Administration.
- (13) “*DPI*” means dots per inch and is used as a measure of the number of dots recorded in either a vertical or horizontal plane for each inch. It is used to measure scanning resolution.
- (14) “*Hybrid Imaging System*” means a system that produces both micrographic and digital images, either simultaneously or one from the other.
- (15) “*Image Enhancement*” means the process of manipulating a scanned image with software, to lighten or darken the image, to increase sharpness, alter contrast, or to filter out data elements appearing on the document.

- (16) “*Index*” means descriptive locator information attached to a digital image that enables a requestor to identify the file and retrieve it from the electronic storage medium.
- (17) “*In electronic Form*” means any information in a court record in a form that is readable through the use of an electronic device, regardless of the manner in which it was created.
- (18) “*ISO*” means International Standards Organization.
- (19) “*Metadata*” means a standardized structure format and control vocabulary which allows for the precise description of record content, location, and value.
- (20) “*Microfilm*” means a photographic film containing an image greatly reduced in size from the original, or the process of generating microphotographs on film.
- (21) “*Microform*” means any form, usually film, which contains microphotographs.
- (22) “*Migration*” means the process of upgrading electronic systems to new technologies while preserving accessibility to existing records. It includes transferring one electronic data format to another when a new computer or data management system is incompatible with its existing system. It also means the process of moving electronic data from one storage device or medium to another.
- (23) “*Noise*” means background discoloration of paper and stains on paper caused by aging, handling, and accidental spilling of fluids.
- (24) “*Open System Standard*” means a published and commonly available interface specification that describes services provided by a software product. Such specifications are available to anyone and have evolved through consensus and are open to the entire industry.
- (25) “*Record Series*” means a group of related documents, either as to form or content, which are arranged under a single filing system; are kept together as a unit because they consist of the same form, relate to the same subject, result from the same activity; or which have certain similar physical characteristics such as computer magnetic tapes or disks, or as microforms.
- (26) “*Record Retention Schedules*” means a series of documents governing, on a continuing basis, the retention and disposal of records of a Court, Clerk, or Court Agency.
- (27) “*Refreshing*” means the copying of an image or of a whole storage medium for the purpose of preserving or enhancing the quality of a digital image.
- (28) “*Reproduction*” means the process of making an exact copy from an existing document in the same or a different medium.
- (29) “*Scanning Resolution*” means the quality of a digital image resulting from its initial scanning. It is represented in the number of dots per inch (“dpi”), used to represent the image.
- (30) “*Specifications*” means a set of requirements to be satisfied, and whenever appropriate, the procedure by which it may be determined whether the given requirements are satisfied.
- (31) “*Standard*” means a uniformly accepted set of specifications for a predefined norm. “ANSI/AIIM” means the American National Standards Institute and the Association for Information and Imaging Management. “CCITT” means the Consultative Committee on International Telegraphy and Telephony. Specific standards appear both by number and by name.
- (32) “*Target*” means any document or chart containing identification information, coding or test criteria used in conjunction with microfilming. A target is an aid to technical or bibliographical control, which is photographed on the film preceding or following a document or series of documents.
- (33) *Thresholding* refers to the level at which data elements are removed from the scanned document. During thresholding, individual pixels in an image are marked as object pixels if their value is greater than some threshold value and as background pixels otherwise. Thresholding is used in eliminating background discoloration of paper and stains on paper caused by aging, handling, and accidental spilling of fluids.
- (34) “*WORM*” means Write-Once, Read-Many.

**(C) Official Case Record.**

- (1) A microfilm record produced and documented in accordance with the provisions of this rule, or a duplicate copy of such microform kept by the court, is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.
- (2) A document generated from a digital image produced in accordance with the provisions of this rule is the official record of the Court or Court Agency, regardless of whether or not an original paper document exists.

**(D) Microfilm Specifications.** Specifications for microfilm equipment, film, and photographic chemicals must meet appropriate standards referenced in section (G) of this rule. However, before a court, clerk, or court agency shall install such a system to create an official record, systems specifications must be forwarded to the Division, in writing, to determine compliance with Trial Rule 77(J).

**(E) Digital Imaging Specifications.** Specifications for digital imaging systems must meet appropriate standards referenced in section (H) of this rule. However, before a court, clerk, or court agency shall install such a system to create an official record, systems specifications must be forwarded to the Division, in writing, to determine compliance with Trial Rule 77(J).

**(F) General Standards.**

- (1) Courts, Clerks and Court Agencies shall ensure that records generated by, or received by, the courts are preserved in accordance with the applicable record retention schedules in Administrative Rule 7.
- (2) Records required to be placed in the Record of Judgments and Orders (RJO) as paper or in electronic format, and records with a retention schedule of fifteen (15) years or more, are classified as permanent. Such records must be scanned using a dpi as specified in Administrative Rule 6(H)(2)(a)(ii).
- (3) Microform and Digital Media used for the storage of court records shall be inspected at least annually to verify that no deterioration has occurred, incorporating the appropriate ANSI/AIIM standard for microfilm or for digital data deterioration in accordance with Administrative Rule 6(H)(3)(i). Such inspection results shall be forwarded to the Division, on a form available from the Division.

**(G) Microfilm Standards.**

- (1) *Documentation.* A formal written documentation file shall be created by the Clerk or the appropriate public agency and retained for the microfilm process, incorporating the following:
  - (a) That every stage of the microfilm process is covered by a written procedure and kept in the documentation file including:
    - (i) Authority to microfilm specific records;
    - (ii) A preparation guide concerning the arrangement of the originals on microfilm;
    - (iii) Any policy to select which filed documents will be placed on microfilm;
    - (iv) Any contracts with in-house record custodians or agents of vendors who will perform the actual microfilming (either in-house or through a vendor);
    - (v) Maintenance of the “Certificate of Destruction” form and approval correspondence from the Division.
  - (b) The reproduction processes employed to assure accuracy.
  - (c) Verification of each microfilm image against the original for completeness and legibility. The verification process shall be part of the certification procedure submitted to the Division.
  - (d) The justification for the microfilming of originals (i.e., space reduction, security) and the written process for the destruction of originals as authorized by an approved retention schedule.
  - (e) The identity of supervisors of the microfilming procedures who are capable of giving evidence of these procedures.
  - (f) The retention schedule from Administrative Rule 7 for the documentation matching the expected longevity of the microform.
  - (g) Certification of compliance with this documentation procedure to the Division.
- (2) *Legibility.*
  - (a) If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.
  - (b) *Resolution.* A microform system for source documents shall be tested for resolution capability under procedures set forth in the appropriate section of ANSI/AIIM MS23-2004, both upon installation of the system and at the beginning and end of each roll of microfilm, by use of a camera test chart, such as the “Rotary Camera Test Chart,” ANSI/AIIM MS 17-2001; “The Planetary Camera Test Chart,” ANSI/ISO Test Chart No. 2, arranged one in each of the four corners of the image area and one in the center; or any equivalent chart incorporating the appropriate camera test charts. Where camera-generated roll microfilm is not used, a microform of the appropriate camera test chart must be

generated weekly. Micrographic systems used for court records must meet the following standards for resolution:

- (i) A micrographic system for source documents must produce a quality index level of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Procedures/Inspection and Quality Control of First-Generation, Silver-Gelatin Microfilm of Documents*. ANSI/AIIM MS23-2004, In applying this standard, a lower-case letter “e” height of 1.4 millimeters or less must be used;
  - (ii) All pattern groups on the camera test chart must be read. The smallest line pattern (highest numerical designation) in which both horizontal and vertical line direction is clearly discernible is the resolving power of that pattern group. The lowest numerical resolving power of all the pattern groups on the camera test chart is the resolving power of the micrographic system;
  - (iii) The film used in reading the camera test chart must be processed to the density standard of Administrative Rule 6(G)(2)(c)(i);
  - (iv) A computer-output microfilm system must produce quality index of not less than 5.0 for third-generation microfilm as measured according to *American National Standard Practice for Operational Practices/Inspection and Quality Control for Alphanumeric Computer-Output Microforms*. ANSI/AIIM MS1-1996.
  - (v) Conversion of archival data stored on a Digital Master [(H) (1) (g)], may occur at a quality index level of 4.0, upon written pre-approval from the Division.
- (c) Density. Microfilm systems used for court records must meet the following density standards:
- (i) The background ISO standard visual diffuse transmission density on microforms shall be appropriate to the type of documents being filmed. The procedure for density measurement is described in ANSI/AIIM MS23-2004 and the densitometer shall be in accordance with ANSI/NAPM 18-1996, for spectral conditions and ANSI/NAPM IT2.19-1994, for geometric conditions for transmission density. Recommended visual diffuse transmission background densities for images of documents are as follows:

<b>Class</b>	<b>Description of documents</b>	<b>Background Density</b>
Group 1....	High-quality, high-contrast printed books, periodicals, and black typing	1.3-1.5
Group 2....	Fine-line originals, black opaque pencil writing, and documents with small high-contrast printing.	1.15-1.4
Group 3....	Pencil and ink drawings, faded printing, and very small printing such as footnotes at the bottom of a printed page.	1.0-1.2
Group 4....	Low-contrast manuscripts and drawing, graph paper with pale, fine-colored lines; letters typed with worn ribbon; and poorly printed, faint documents.	0.8-1.0

- (ii) Background density in first-generation computer-output microfilm must meet ANSI/AIIM MS1-1996.
- (iii) Base Plus Fog Density of Films. The base plus fog density of unexposed, processed films should not exceed 0.10. When a tinted base film is used, the density will be increased. The difference must be added to the values given in the tables in Administrative Rule 6(G) (2)(c)(i).
- (iv) Line or Stroke Width. Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density. Therefore, as the reduction ratio of a given system is increased, the background density shall be reduced as needed to ensure that the copies produced will contain legible characters.

- (d) Reduction Ratio. Microfilm systems used for court records shall meet the following reduction ratio standards:
  - (i) A reduction ratio for microfilm of documents of 25 to 1 or 24 to 1 or less is required;
  - (ii) A reduction ratio for microfilm of documents of greater than 25 to 1 may be used only if the micrographics system can maintain the required quality index at the higher reduction;
  - (iii) Computer-output microfilm must be at a reduction ratio ranging from 48 to 1 to 24 to 1.
- (3) *Permanency.* For records requiring retention of over fifteen years based on an approved retention schedule under Administrative Rule 7, the following standards shall apply:
  - (a) Raw stock microfilm shall be of safety-based permanent record film meeting specification of ANSI/NAPM IT9.6-1991 (R 1966).
  - (b) The camera generated master negative microfilm shall be silver-halide silver gelatin, meeting the permanency requirements of ANSI/NAPM IT9.1-1996. Microforms shall be processed in accordance with ANSI/NAPM IT 9.1-1996 and in accordance with processing procedures in ANSI/ AIIM MS196 and ANSI/AIIM MS23-2004.
  - (c) The master microfilm record meeting the above standards shall be stored at a site other than the producing Clerk, Court, or Court Agency's structure, in a fireproof vault, meeting ISO 18911:2010.
  - (d) In addition to the master microfilm record, which is a security copy, the Clerk, Court, or Court Agency may provide working copies of the microfilm. These may be on silver, diazo, vesicular, dry silver, or transparent electro-photograph film on a safety base of cellulose ester or polyester material.

**(H) Digital Imaging Standards.**

- (1) *Documentation.* A formal written documentation file shall be created by the Clerk or the appropriate public agency and retained for the life of the information stored on the digital medium based upon an approved record retention schedule documenting the following:
  - (a) that every stage of the digital imaging process is covered by a written procedure and kept in the documentation file, including:
    - (i) authority to implement digital imaging technology.
    - (ii) any selection policy to determine what documents from any file will be imaged. The indexing process shall also identify documents which are subject to approved criteria for purging prior to conversion to a permanent storage medium, and
    - (iii) any contracts with agents of record custodians who will perform the actual digital imaging process;
    - (iv) the metadata for each digital record.
  - (b) the imaging process employed to assure accuracy;
  - (c) verification of the image on a computer screen against the original for completeness and legibility;
  - (d) definition of the indexing system employed with storage in multiple places on the optical disk for security and integrity;
  - (e) the identity of supervisors of the digital imaging procedures who are capable of giving evidence of these procedures; and
  - (f) written certification of compliance with this documentation procedure to the Division.
  - (g) Archival data stored on a digital master shall be converted to microfilm. Retention schedules will be applies to all documents prior to conversion to microfilm.
- (2) *Legibility.* The following standards on legibility apply for digital imaging. If a standard is updated or superseded, the most current one applies to those records preserved after its effective date.
  - (a) Scanner input shall:
    - (i) Scan office documents at a density of at least 200 dpi.
    - (ii) Scan records deemed permanent according to the retention schedule and as required for placement in the Record of Judgments and Orders, at a minimum of 300 dpi; and

- (iii) Use a higher scanning resolution, as needed, for poor contrast documents, those containing faded text and those containing fine handwriting or lines, based upon a verification test that includes hard copy reproduction from such scanned documents at various densities, and
  - (iv) Scanning quality must adhere to the standards presented in *Recommended Practices for Quality Control of Image Scanners* ANSI/AIIM MS44-1988 (R1993), incorporating scanner resolution target X441 or X443, depending upon the application.
- (b) Image enhancement is permissible for lightening or darkening a digital image, improving sharpness or contrast, but applying threshold software to eliminate noise requires prior approval of the Division.
- (3) *Permanency.* The following standards on permanency shall apply for digital imaging: Storage and quality control standards apply only to Digital Masters and not to digital duplicates.
- (a) Digital imaging systems will be built from hardware and software components that are nonproprietary and are based upon open systems architecture.
  - (b) Digital imaging systems will use the Digital Imaging File Format known as TIFF Group 4 digital imaging file format meeting ISO Standard 12639:2004, (or as updated or superseded.)
  - (c) Data will be scanned using SCSI [small computer system interface] command “write and verify.”
  - (d) System upgrades will provide backward compatibility to existing system or digital data will be converted to the upgrade at the time of such upgrade.
  - (e) The digital master will employ WORM technology as the digital medium.
  - (f) If a CD-ROM is used as a storage medium, it must comply with ISO 9660-1988, *Volume and File Structure of CD-ROM for Information Interchange*. CD-ROM, EO, and DVD media shall not be used for storage of the digital master but may be used for digital duplicates.
  - (g) Digital media will have a pre-write shelf life of at least five years and post-write life of twenty years based upon accelerated aging test results that reports on specific disk areas.
  - (h) The digital master shall be stored in a dust-free, temperature and humidity-controlled environment, meeting ANSI/AIIM TR25-1995, *Use of Optical Disks for Public Records*.
  - (i) The digital media shall be monitored for deterioration using ANSI/AIIM MS59-1996 *Media Error Monitoring and Reporting Techniques for Verification of Stored Data on Optical Digital Data Disks*, and duplicating data to a new or replacement medium when data deterioration reaches the point of loss as described in this standard.
- (I) Hybrid Systems.** That portion of a hybrid system producing microforms will be governed by Section (G) of this rule; that portion of a hybrid system producing digital images will be governed by Section (H) of this rule.
- (J) Access.** Access to a court record created or stored in either or both a microfilm or digital format will be governed according to Administrative Rule 9.
- (K) Disposal of Records.** Court records which have been preserved in accordance with the standards set out in this rule may be destroyed or otherwise disposed but only after the court or its clerk files a “Destruction Certificate” with the Division certifying that the records have been microfilmed or digitized in accordance with the standards set out in this rule, and the Division issues a written authorization for the destruction of such records. The Division shall make available a form “Destruction Certificate” for this purpose.

## **Rule 7. Judicial Retention Schedules**

### **I. GENERAL**

#### **A. Authority to Dispose of Records.**

Clerks of Circuit Court, Judges and other court officers shall dispose of records in the manner set out in this Rule and in accordance with the retention schedules specified herein. The retention schedules set out in this Rule should be presented to the appropriate county records commission, one time only for informational purposes, before disposal of the records. Prior to disposal of judicial records not listed on this schedule, or if special circumstances necessitate the retention or disposal of judicial records in a manner not set forth in this Rule, a circuit court clerk, judge or other officer of the court must seek written authorization from the Division of State Court Administration to maintain or destroy such records.

#### **B. Records Authorized to Be Microfilmed.**

Records which call for microfilming under this Rule must be microfilmed in accordance with the provisions of Administrative Rule 6. The following are the only record series which are authorized to be microfilmed:

- (1) Records whose retention requires microfilming;
- (2) Records which may be maintained in original or microform, as provided in the retention schedules;
- (3) Records which must be retained permanently, as provided in the retention schedules;
- (4) Before disposal or transfer of records deemed permanent under subsections (1), (2), and (3), the court or clerk shall submit to the Division of State Court Administration a written request for such disposal or transfer. The Division shall audit each microfilmed record series for compliance with Administrative Rule 6, in documentation, legibility and storage environment and, upon audit, shall authorize such disposal or transfer of papers and ledgers meeting the standards of Administrative Rule 7.

Microfilming other records is not authorized because the cost of microfilming exceeds the costs of storage for the duration of the retention period. If special circumstances arise, a circuit court clerk, judge, or other officer of the court may seek written authorization from the Division of State Court Administration to microfilm records other than those herein authorized.

**C. Records Authorized for Transfer.** Records deemed permanent or authorized for transfer to the Indiana State Archives. Indiana Commission on Public Records, must follow the Commission's written procedures and use its approved forms before transfer can occur. With the written approval of the Indiana Supreme Court, records authorized for transfer to the Archives Division of the Indiana Commission on Public Records may be deposited by said Commission with a local repository, such as a historical society, library, archives, or university, as designated by the Commission and meeting the archival standards of the Commission.

**D. Retention Schedules.**

These retention schedules are based upon assumptions that because certain records exist, others may be destroyed. Due to fire disasters, or other causes, this may not be true for all Indiana counties. Therefore, the first step is to conduct an inventory to determine if records requiring permanent retention or transfer do indeed exist before destroying records by series whose authority for destruction is based on the fact that other records exist.

The list of retention schedules is arbitrarily arranged by type of jurisdiction and not by court, since jurisdictions overlap from court to court with original, concurrent and exclusive jurisdictions. Different courts in different counties can exercise the same jurisdiction. The date of 1790 means that the record potentially could date from the formation of the county.

The format includes a number, as 85-4.3-04, which gives the year of the schedules (1985), the jurisdiction (4.3, or family law/adoptions) and the record series item (04). As new record series are added, additional numbers will be assigned. If a series is amended, it will be followed by an "R" for "revised." The jurisdictions, which can be the same for a number of courts, are classified as:

- 85-1 CIVIL
  - 85-1.1 Civil
  - 85-1.2 Chancery
  - 85-1.3 Lis Pendens Series
  - 85-1.4 Partitions
  - 85-1.5 Dissolution of Marriage
- 85-2 CRIMINAL
- 85-3 ESTATES
  - 85-3.1 Wills
  - 85-3.2 Estates
  - 85-3.3 Guardianships
  - 85-3.4 Trusts
- 85-4 FAMILY LAW
  - 85-4.1 Juvenile
  - 85-4.2 Paternity
  - 85-4.3 Adoption
  - 85-4.4 Birth Certificate Record
- 85-5 COUNTY COURT/MUNICIPAL COURT/SMALL CLAIMS
  - Small Claims
  - Misdemeanors

Traffic Infractions  
 Plenary Civil  
 City Civil Jurisdiction

- 85-6 NATURALIZATION
- 85-7 CONCILIATION
- 85-8 SPECIAL JUDICIAL FUNCTIONS
  - 85-8.1 Insanity/Mental Health
  - 85-8.2 Epileptic Hearings
  - 85-8.3 Feeble-Minded Hearings
  - 85-8.4 Riley Hospital Hearings
  - 85-8.5 Children Ordered to Public Hospitals
  - 85-8.6 IU Medical Center Hearings
  - 85-8.7 Receiverships
  - 85-8.8 Drainage
- 87-9 GENERAL SCHEDULES

## II. PROCEDURE

It is critically important that these schedules be carried out exactly as approved since this is your legal authority to do so, and only for the records so listed. Once a record is destroyed, its information is lost. Do not assume that the record under consideration is the record actually authorized for destruction. You must compare both the title and content before a record series can be destroyed. Work in a spirit of caution. If in doubt, save until you can get advice from the Division of State Court Administration or the Indiana Commission on Public Records.

[Search Online Database of Retention Schedules](#)

### CIVIL (1)

85-1.1-01R	Entry Docket	1790-c. 1913	maintain permanently in original or in microform meeting the standards of Admin. R. 6.
85-1.1-02	Issue Docket	1790-c. 1913	destroy.
85-1.1-03R	Entry, Issue Docket & Fee Book (Civil Docket, 1970 +)	c. 1913-1990	maintain permanently in original or in microfilm (microfilm after 20 years).
85-1.1-04	Change of Venue Record	c. 1873 +	maintain permanently in original, or microfilm after 20 years and destroy original.
85-1.1-05	Judge's/Bench/Court Docket	1790-c. 1918	destroy.
85-1.1-06	Clerk's Docket Day Book/Scratch Book	1790-c. 1918	destroy.
85-1.1-07	Sheriff's Docket (rare)	1790-c. 1918	destroy.
85-1.1-08	Bar Docket (cases arranged by attorney; not Entry Docket)	1790- +	destroy.
85-1.1-09	Summons Docket (rare)	c. 1790- +	destroy 6 years after date of last entry.
85-1.1-10	Sheriff's Summons Docket (rare)	c. 1790- +	destroy 6 years after date of last entry.
85-1.1-11	Witness Docket/Witness Affidavit Docket	c. 1860's- +	destroy 3 years after date of last entry and audit by State Board of Accounts.
85-1.1-12	Stamp Tax Docket	c. 1933-1965	destroy.

85-1.1-13	Bond Register (bonds filed in civil actions)	c. 1880's- +	destroy 20 years after date of last entry.
85-1.1-14	Misc. Bond Record (bonds filed in civil actions)	c. 1880's- +	destroy 20 years after date of last entry.
85-1.1-15	Recognizance Bond Record-Civil	varies as separate ledger	destroy 20 years after date of last entry.
85-1.1-16	Record of Assignments (rare)	1870's- +	destroy 20 years after date of last entry.
85-1.1-17R	Civil Order Book	1790-1990	maintain permanently in original or microform meeting standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-1.1-18	Index to Civil Cases/General Index to Civil Order Book/Gen. Index Plaintiff and Gen. Index, Defendant	1790-1990	maintain permanently in original or microfilm 20 years after date of last entry, using microfilm system meeting standards set by Supreme Court.
85-1.1-19R	Misc. Order Book	varies, usually 20th Century	maintain permanently in original or in microform meeting standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-1.1-19.1R	Nonjudicial Order Book (Certifications and Statutorily Directed Matters)	1989- +	maintain permanently in original or in microform meeting the standards set by the Supreme Court (microfilm after 20 years).
85-1.1-20	Civil Order Book Complete; Final Order Book Civil	1790-1990, usually 19th Century	transfer to Archives Division, Indiana Commission on Public Records.
85-1.1-21	General Index to Complete Order Book, Civil	1790-1990	transfer to Archives Division, Indiana Commission on Public Records.
85-1.1-22	Depositions, opened	1790- +	maintain as part of Civil Case File.
85-1.1-23	Depositions Not Admitted Into Evidence or for Dismissed Cases	1790- +	return to attorney at disposition of case or destroy 1 year after final disposition of case.
85-1.1-24	Docket Sheets	c. 1910-1990	maintain permanently in original, or microfilm and destroy original 3 years after final disposition of case, unless dissolution of marriage, then microfilm and destroy original 21 years after disposition.
85-1.1-25R	Plenary Civil Case Files Designated as CP, CT, MT, PL, CC, MF	1790-9/1881  9/1881-1990	transfer to Archives Division, Indiana Commission on Public Records.  maintain all divorce/dissolution cases; cases where title to real property is in issue; public sector cases; and pre-1941 adoption and bastardy cases in original or in microfilm. For remaining cases, maintain a 2% statistical sample, which is determined by the Division of State

			Court Administration with transfer to the Archives Division, Indiana Commission on Public Records. Destroy remaining files 20 years after final disposition.
90-1.1-25.1R	Civil Miscellaneous Case Files (MI)	1/01/1987- +	retain for 5 years and upon review of trial court. Maintain permanently all tax deed MI cases ordered upon IC 6-1.1-25-4.6.
85-1.1-26R	Dismissed Civil Case Files Designated as CP, CT, MI, RS, DR, MH, PO, PL, CC, MF	9/1881- +	Unless relief granted under TR 60(B): (a) those dismissed before trial, destroy 2 years after dismissal; (b) those dismissed during or after trial, destroy 2 years after order to dismiss is given under TR 41.
89-1.1-26.1R	Shorthand Notes/Tapes/ Disks Not Transcribed	1873- +	destroy 3 years after date of trial for CP, CT, MI, RS, DR, MH, PO, CC, MF.
91-1.1-61	Protective Order Case Files With PO Designation Under Administrative Rule 8	1/1/1992- +	destroy 3 years after date Order has been entered.
91-1.1-62	Notice and Release of Lien for Medical Assistance (IC 12-1-7-24.6)(c)(1)	1982- +	for those liens formally released by Dept. of Public Welfare, destroy notice and Lien 2 years after release filed.
91-1.1-63	Hardship Driver's License (Emergency Order for Restricted Hardship License) (MI Case # Only)	varies	for independent court action, not a part of a larger case, and if original order in RJO, destroy Case File 2 years after judgment.

### JUDGMENTS AND EXECUTIONS

85-1.1-27	Judgment Dockets	1790- + pre-1853	transfer to Archives Division, Indiana Commission on Public Records.
		post 1852	destroy docket 20 years after date of last entry.
85-1.1-28	Transcribed Judgment Docket (copy of deteriorated original)	varies	destroy 20 years after date of last entry.
85-1.1-29	Judgment Docket Release	c. 20th Century	destroy 20 years after date of last entry.
85-1.1-30	Record of Delinquent Tax/Delinquent Tax Judgment Record IC 6-1-55-1 IC 6-1.1-23-9	1964- +	destroy 20 years after date of last entry.
85-1.1-31	Judgment Docket: Statements and Transcripts (orig. statements of judgment of court w. ref. to Judgment Docket) (ledger) ACTS 1929:83:1 IC 34-1-43-1 (not all courts created this ledger)	1929- +	destroy 20 years after date of last entry.
85-1.1-32	Judgment Statements and Transcripts (originals)	varies, usually after 1929- +	destroy 20 years after filing.
90-1.1-32.1	Collection Warrant Under Employment Security Act (IC 22-4-29-7)	varies	destroy after 20 years.

85-1.1-33	Judgment Docket Index	varies	destroy 20 years after date of last entry.
85-1.1-34	Praecipe/Certified Copy Praecipe (ledger)	1790- +	destroy 20 years after date of last entry.
85-1.1-35	Praecipes	1790- +	destroy 20 years after filing, if filed separately.
85-1.1-36	Executions	1790- + pre-1853 post 1852	transfer to Archives Division, Indiana Commission on Public Records. destroy 20 years after date of last entry.
85-1.1-37	Execution Dockets	1790- + pre-1853 post 1852	transfer to Archives Division, Indiana Commission on Public Records. destroy 20 years after date of last entry.
85-1.1-38	Sheriff's Execution Docket (rare)	c. 1853- +	destroy 20 years after date of last entry.
85-1.1-39	Register of Executions (rare)	c. 1870's- +	destroy 20 years after date of last entry.
85-1.1-40	Supplement to Execution Docket (rare)	c. 1870's- +	destroy 20 years after date of last entry.
85-1.1-41	Executions: Order of Sale (original pleadings)	c. 1790- +	destroy 20 years after date of issue.
85-1.1-42	Executions: Order of Sale (ledger)	c. 1790's- +	destroy 20 years after date of last entry.
85-1.1-43	Stay of Execution (original pleadings)	c. 1790's- +	destroy 20 years after date of issue.
85-1.1-44	Index to Execution Docket	varies	destroy 20 years after date of last entry.
85-1.1-45	Fee Bills (original filings)	1790- +	destroy after 20 years.
85-1.1-46	Fee Bill Record	varies, usually 20th Century	destroy 20 years after date of last entry.
85-1.1-47	Sheriff's Fee Bill Docket	varies, usually 20th Century	destroy 20 years after date of last entry.
85-1.1-48	Fee Bill Index	varies, usually 20th Century	destroy when last entry becomes 20 years old.
85-1.1-49	Tax Warrants IC 6-8-7-1 (1976)	1933-1980	destroy after 20 years.
85-1.1-50	Alias Tax Warrants IC 6-8-7-2 and IC 6-8-7-3 (1976)	1933-1980	destroy after 20 years.
85-1.1-51	Tax Warrants	1980- +	maintain 3 years after payment and audit by State Board of Accounts.
85-1.1-52	Alias Tax IC 6-8.1-8-2(e)	1980- +	maintain 3 years after payment and audit by State Board of Accounts.

NOTE: REVENUE DEPARTMENT MAY "RENEW A LIEN FOR ADDITIONAL TEN (10) YEAR PERIODS BY FILING AN ALIAS TAX WARRANT..."

85-1.1-53	Power of Attorney Filings	1790- + pre-9/1881 post 9/1881	transfer to Archives Division, Indiana Commission on Public Records. destroy after 20 years.
85-1.1-54	Power of Attorney Record (not all courts created)	c. 1881- + varies	destroy 20 years after date of last entry.
85-1.1-55	Power of Attorney Index (rare)	c. 1881- + varies	destroy 20 years after date of last entry.
85-1.1-56	Index to Misc. Court Records	c. 1853/81- + varies	maintain for period in which records are

			referred to.
85-1.1-57	Subpoena Docket (rare)	1790- +	destroy 20 years after date of last entry.
85-1.1-58	Sheriff's Subpoena Docket (rare)	1790- +	destroy 20 years after date of last entry.
87-1.1-59	Sheriff Foreign Service	varies	destroy 3 years after date of last entry.
88-1.1-60	Civil Fee Books	1790-c. 1913 +	destroy upon written approval of the Division of State Court Administration.

#### CHANCERY

85-1.2-01	Chancery Order Book	1843-1852	maintain permanently in original or in microform.
85-1.2-02	Case Files, Chancery	to 1853	transfer to Archives Division, Indiana Commission on Public Records.

#### LIS PENDENS

85-1.3-01	Lis Pendens Record (Complaints) IC 32-30-11-11	1877- +	destroy 20 years after date of last entry.
85-1.3-02	Lis Pendens - Complaint Files IC 32-30-11-1	1877- +	destroy 20 years after filing.
85-1.3-03	Lis Pendens Record - Sheriff's Notice of Attachment IC 32-30-11	1877- +	destroy 20 years after date of last entry.
85-1.3-04	Lis Pendens - Sheriff's Notice of Attachment IC 32-30-11	1877- +	destroy 20 years after filing.
85-1.3-05	Lis Pendens Record-- Sheriff's Certificates of Sale IC 34-2-29-1	1881-1987	destroy 20 years after date of entry.
85-1.3-06	Lis Pendens--Sheriff's Certificates of Sale IC 34-2-29-1	1881-1987	destroy 20 years after filing.
85-1.3-07	Lis Pendens-- Redemption Record IC 34-2-29-3	1881-1987	destroy 20 years after date of last entry.
85-1.3-08	Lis Pendens-- Redemptions IC 34-2-29-3	1881-1987	destroy 20 years after filing.

NOTE: IC 34-2-29-1 et seq. was repealed by P.L. 309-1987

85-1.3-09	Index--Lis Pendens Record (discretionary)	1877- +	destroy 20 years after date of last entry.
85-1.3-10	Transcript Order Book (to collect judgments)	JP to 1976 City 1847- + Gen.Cts. to current	destroy 20 years after date of last entry.
85-1.3-11	Transcripts (to collect judgments)	JP to 1976 City 1847- +	destroy 20 years after filing.
87-1.3-12	Transcript and Insurance Order Book (see also 85-1.3-10) (rare)	1877-1935	destroy.

NOTE: ACTS 1877(r): 43:1 required foreign insurance companies to file certain statements with the Auditor of State and Clerk of the Circuit Court, the latter to note "in vacation of entries of the order book of such court" the name of the company and its agent and the date of filing. Some courts created separate "order books" for this purpose.

87-1.3-13	Foreign Insurance Company Statements	1877-1935	destroy.
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## PARTITIONS

85-1.4-01	Partition Record	1853-1869 (& later)	maintain permanently in original or in microform.
85-1.4-02	Partition Record Complete	1853-1869 (& later)	maintain permanently in original or in microform.
85-1.4-03	Case Files, Partitions	1853- +	maintain in accordance with Plenary Civil Case Files, 85-1.1-25R.

## DISSOLUTION OF MARRIAGE

Some courts maintain separate filing systems and have created separate "Domestic Relations" records for divorce/dissolution of marriage.

85-1.5-01R	Entry Docket, Issue Docket & Fee Book	c. 1973- +	maintain permanently in original or in microform (microfilm after 20 years).
85-1.5-02R	Order Book, Domestic Relations	c. 1973- +	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-1.5-03R	Divorce Case Files	to 8/31/1973	maintain in accordance with schedule 85-1.1-25R.
85-1.5-04	Judgment Docket	c. 1973- +	destroy 20 years after date of last entry.
85-1.5-05	Execution Docket	c. 1973- +	destroy 20 years after date of last entry.
85-1.5-06	Domestic Relations Index	c. 1973- +	maintain permanently in original or in microform. Microfilm 6 years after ledger is filled.
88-1.5-07	Dissolution of Marriage Case Files	9/01/1973- +	maintain in accordance with Plenary Civil Case Files, 85-1.1-25R.
90-1.5-07.1	Dismissed Divorce/Dissolution of Marriage Case Files	9/1881- +	destroy in accordance with Dismissed Plenary Civil Case Files 85-1.1-26R.
91-1.5-0.8	UIRESA Uniform Support, Petition, Certificate and Order as Initiating Court Under IC 31-18-3-4	7/01/1951- +	maintain 2 years after order is entered if copy of petition is maintained by prosecuting attorney. (Docket Sheet/CCS is maintained).
01-1.5-10	Reciprocal Support (RS) Case files as Responding Court under IC 31-18-3-5		destroy case files 21 years after date of last action (Applies to both adjudicated and dismissed case files.)
93-1.5-09	Court Referral Case Files (IC 31-1-23); (IC 31-1-24)	1971 - +	Domestic Relations Counseling Bureau Files. Destroy files 21 years after date of last entry.

## CRIMINAL (2)

85-2-01	Indictment Record-- Grand Jury (ledger)	1853-1973	transfer to Archives Division, Indiana Commission on Public Records.
85-2-02	Indictments/Grand Jury Reports	1790- +	transfer to Archives Division, Indiana Commission on Public Records after 20 years.

85-2-03R	Information Record	1853-1905	transfer to Archives Division, Indiana Commission on Public Records.
87-2-33	Affidavit Record	1905-1973	transfer to Archives Division, Indiana Commission on Public Records
87-2-34	Indictment/Information Record IC 35-34-1-1	1973- +	transfer to Archives Division, Indiana Commission on Public Records after 20 years.
85-2-04	Informations/Affidavits (1905-1973)	1853 - +	transfer to Archives Division, Indiana Commission on Public Records after 20 years.
85-2-05	Arrest Warrants	1790 - +	file with Criminal Case File.
85-2-06	Recognizance Bonds, Criminal	1790- +	transfer bonds prior to 9-01-1881 to Archives Division, Indiana Commission on Public Records; destroy post 1881 bonds after 6 years.
85-2-07	Criminal Recognizance Bond Record (discretionary)	1790- +	transfer ledgers prior to 9-01-1881 to Archives Division, Indiana Commission on Public Records; destroy post 9/1881 ledgers 6 years after date of last entry.
85-2-08	Continuing Recognizance Bond Record (discretionary) (rare)	1790 - +	destroy 6 years after date of last entry.
85-2-09	Habeas Corpus	1790 - +	transfer to Archives Division, Indiana Commission on Public Records 6 years after date of issue, if filed separately.
85-2-10	Habeas Corpus (ledger)	1790- +	transfer to Archives Division, Indiana Commission on Public Records 6 years after date of last entry.
85-2-11R	Entry Docket	1790-1913	maintain permanently in original or in microform meeting the standards of Admin. R. 6.
85-2-12	Entry Docket & Fee Book	1913-1990	maintain permanently in original or in microform; microfilm 20 years after date of last entry.
90-2-12.1	Issue Docket, Criminal	1790-c. 1915	destroy.
85-2-13	Fee Book, Criminal	to 1913	destroy if separate Entry Docket exists. If not, maintain permanently in original or in microform.
85-2-14	Clerk's Docket, Criminal (discretionary)	1790-1920's	destroy.
85-2-15	Judge's/Bench/Court Docket, Criminal	1790-1920's	destroy.
85-2-16	State Docket	c. 1880's	destroy.
85-2-17	Sheriff's State Docket	c. 1880's	destroy.
85-2-18	Docket Sheets, Criminal	c. 1910's-1990	maintain permanently in original or in microform. Microfilm original 3 years after case is disposed of.

85-2-19R	Order Book, Criminal	c. 1860's-1990 (varies)	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer original to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-2-20	Order Book Complete, Criminal (rare)	c. 1860's- c. 1880's	maintain permanently in original or in microform.
85-2-21R	Felony Criminal Case Files	1790- to 9-01-1881	transfer all files prior to 9-01-1881 to Archives Division, Indiana Commission on Public Records.
		9/1881-1990	Maintain a 2% statistical sample, which is determined by the Division of State Court Administration with transfer to the Archives Division, Indiana Commission on Public Records. Destroy remaining files 55 years after final disposition. Maintain packet for post-conviction relief.
87-2-21.1R	Dismissed Felony Case Files	9/1881 - +	destroy 2 years after order to dismiss is given.
90-2-21.2	Misdemeanor Criminal Case Files (CM)	1790- to 9/1881	transfer all files prior to 9-01-1881 to Archives Division, Indiana Commission on Public Records.
		9/1881 +	Maintain a 2% statistical sample, which is determined by the Division of State Court Administration with transfer to the Archives Division, Indiana Commission on Public Records. Destroy remaining files 10 years after final disposition.
		1990- +	handgun possession maintain fifteen years.
85-2-22	Judgment Docket Criminal	rare as separate volume	destroy 20 years after date of last entry.
85-2-23	Disfranchisement Record (rare)	1920's	destroy.
85-2-24	Suspended Sentence Docket	1919-1977	destroy 55 years after date of last entry.
85-2-25	Judgment Withheld Docket	1919-1977	destroy 55 years after date of last entry.
85-2-26R	Depositions Published or Unpublished	1790- +	destroy after 55 years if unopened and not filed with court packet.
95-2-26.1	Misdemeanor Depositions Published or Unpublished	1852- +	destroy after 10 years if unopened and not filed in court packet.
85-2-27R	Shorthand Notes/Tapes/Disks Not Transcribed--Felonies	1873- +	destroy 55 years after date of trial.
			[Criminal Rule 5]
89-2-27.1	Shorthand Notes/Tapes/Disks Not Transcribed-Misdemeanors (CM)	1873- +	destroy 10 years after date of trial.

85-2-28	Transcripts for Appeals	1790- +	file in Criminal Case File if copy is maintained.
85-2-29	Probation Files	1907- +	destroy 6 years after release of individual from final discharge.
95-2-29.1	Court Administered Alcohol Program (CAAP)	1974- +	destroy 6 years after release of individual from final discharge (Probation Department Files).
95-2-29.2	Alternative Sentencing Case Files (Work Release Files)	1991- +	destroy 6 years after release of individual from final discharge (Probation Department Files).
85-2-30	General Index, Criminals	varies	transfer to Archives Division, Indiana Commission on Public Records after 55 years.
85-2-31R	Restitution Record IC 35-38-2-2	(1927) 1976- +	destroy 6 years after date of last entry.
89-2-32R	Search Warrants (Executed and Unexecuted) and not associated with a specific criminal case file	1790- +	place in separate case file and assign a criminal miscellaneous case number. Destroy 20 years after issuance of warrant. (The prosecuting attorney may request a longer retention period by filing a written request specifying the length of the extended retention period)
09-2-32.1	Search Warrant Executed and associated with specific criminal case file	1790- +	place in separate case file and assign a criminal miscellaneous case number. Destroy at the same time as the associated criminal case. If there is more than one associated criminal case, destroy at the same time as the case with the longest retention period. An association with a specific criminal case is created when a notice is filed with the court by the prosecuting attorney stating that a filed criminal case is associated with the executed search warrant. Upon the filing of such a notice, an entry shall be made on the CCS in both cases noting the association.
09-2-32.2	Search Warrants Denied or Not Executed	1790- +	destroy 2 years after order denying issuance of search warrant or if search is not executed (No return filed within the 2 year period presumes that warrant was not executed).
89-2-33R	Certificates on Standards for Breath Test Operators, Equipment & Chemicals (IC 9-30-6-5)	1983- +	destroy 10 years after filing or upon recordation in Nonjudicial Order Book 89-1.1-19.1.
05-2-34	Dismissed Misdemeanor Case Files	9/1881	destroy 1 year after order to dismiss is given.
05-2-35	Forensic Diversion Program	2004--+	destroy 6 years after release of individual from final discharge.
05-2-36	Wiretap recordings under IC 35-33.5-5-2	1990--+	Destroy after ten (10) years only upon an order of the court that issued the warrant.

05-2-37	Applications for wiretaps and corresponding warrants under IC 35-33.5-5-2	1990--+	Destroy after ten (10) years only upon an order of the court that issued the warrant.
09-2-38	Grand Jury Recordings and Transcriptions – felonies	1881+	Destroy 55 years after date of final disposition
09-2-38.1	Grand Jury Recordings and Transcriptions – dismissed felony cases	1881+	Destroy 2 years after order to dismiss granted
09-2-38.2	Grand Jury Recordings and Transcriptions – misdemeanors	1881+	Destroy 10 years after date of final disposition
09-2-38.3	Grand Jury Recordings and Transcriptions – dismissed misdemeanors	1881+	Destroy 1 year after order to dismiss granted

### **ESTATES (3)**

#### **WILLS**

85-3.1-01R	Recorded Original Wills	1790- +	maintain permanently in original or in microform (as a part of the Estate Case File, or as a separate series if filed separately). Microfilm after 5 years.
85-3.1-02	Will Record	1790- +	maintain permanently in original format; microfilm as a critical record, for security.
85-3.1-03	Transcript Will Record/original Will Record Ledger (a copy of an original ledger, copied for preservation)	varies	maintain both versions permanently in original format; microfilm as a critical record, for security.
85-3.1.04	Clerk's Report of Wills Probated in Vacation	discretionary, usually from 1881, little used thereafter	maintain permanently in original format; microfilm as a critical record, for security.
85-3.1-05	Index to Will Record	discretionary	maintain permanently in original format, microfilm as a critical record, for security.

#### **ESTATES**

85-3.2-01	Appearance Docket	to c. 1881	maintain permanently in original or in microform.
85-3.2-02	Allowance Docket	to c. 1879	destroy.
85-3.2-03	Estate Entry Docket	to c. 1879	maintain permanently in original or in microform.
85-3.2-04	General Entry Claim and Allowance Docket	c. 1879 c.	maintain permanently in original or in microform.
85-3.2-05	Estate Entry Claim and Allowance Docket & Fee Book (Form 42)	c. 1911- +	maintain permanently; microfilm and destroy original 3 years after date of last entry.
85-3.2-06	Vacation Entries in Estates and Guardianships	discretionary c. 1881-c. 1920's	maintain permanently in original or in microform.
85-3.2-07	Probate Claim Docket	discretionary c. 1853-c. 1879	destroy.

85-3.2-08	Clerk's Minute Book, Probate/Clerk's Docket	discretionary	destroy.
85-3.2-09	Clerk's Docket, Sale of Real Estate	discretionary	destroy.
85-3.2-10	Bar Docket, Probate	discretionary to c. 1920's	destroy.
85-3.2-11	Bench/Estate/Judge's Docket, Probate	to c. 1920's	destroy.
85-3.2-12	Issue Docket, Probate	discretionary to c.1913	destroy.
85-3.2-13	Transfer Docket, Probate	discretionary to c. 1920's	destroy.
85-3.2-14	Docket Sheets, Estate	c. 1910-1990	maintain permanently in original, or microfilm 3 years after close of case.
85-3.2-15R	Probate/ Estate Case Files	1790-1990	maintain permanently in original or in microform (microfilm 2 years after order of final discharge of personal representative).
85-3.2-16	Accounts Current Reports IC 29-1-1-23(f)	c. 1860's-	maintain as part of Probate Case File.
85-3.2-17	Claims Against the Estate	1790- +	maintain as part of Probate Case File.
85-3.2-18	Sale of Real Estate, Probate	1790- +	maintain as part of Probate Case File.
85-3.2-19	Settled Assignment of Estates, Probate	1790- +	maintain as part of Probate Case File.
85-3.2-20	Executor's Oath & Letters (ledger)	c. 1840's-1953	destroy ledger 20 years after disposal of last case.
85-3.2-21	Administrator's Oaths & Letters (ledger)	c. 1840's-1953	destroy ledger 20 years after disposal of last case.
85-3.2-22	Executor's Bond Record IC 29-1-1-23(d)	1840's- 6/30/1991	destroy ledger 20 years after disposal of last case.
85-3.2-23	Administrator's Bond Record IC 29-1-1-23(d)	1840's- 6/30/1991	destroy 20 years after disposal of last case.
88-3.2-51	Personal Representatives Bonds (ledger) per IC 29-1-1- 23(d) (discretionary)	1/01/1954- 6/30/1991	destroy 20 years after disposal of last entry.
85-3.2-24	Executor's Bond to Sell Real Estate (ledger)	1853-c. 1881	destroy.
85-3.2-25	Administrator's Bond to Sell Real Estate (ledger)	1853-c. 1881	destroy.
85-3.2-26	Commissioner's Bond to Sell Real Estate (ledger)	1853-1881	destroy.
85-3.2-27	Record of Additional Bonds, Estates (discretionary)	c. 1853-c. 1881	destroy.
85-3.2-28	Commissioner's Bond Record (discretionary)	c. 1853-c. 1881	destroy.
85-3.2-29	Executor's Bonds Oaths & Letters (ledger)	c. 1853-1953	destroy 20 years after disposal of last case.
85-3.2-30	Administrator's Bonds, Oaths & Letters (ledger)	c. 1853-1953	destroy 20 years after disposal of last case.

85-3.2-31	Administrator's Executor's and Guardian's Bonds to Sell Real Estate	1853 - c. 1881	destroy.
NOTE: ORIGINAL BONDS, OATHS, & LETTERS ARE APPROVED BY THE COURT, ARE ENTERED IN THE ORDER BOOK WITH ORIGINALS FILED IN THE ESTATE CASE FILES.			
85-3.2-32	Record of Inventories IC 29-1-1-23(e)	1853-6/30/1991	destroy 20 years after disposal of last case.
85-3.2-33	Inventory of Surviving Partners (ledger)	post 1853, discretionary	destroy 20 years after disposal of last case.
85-3.2-34	Record of Inventory & Sale Bills	1853-6/30/1991	destroy 20 years after disposal of last case.
85-3.2-35	Record of Sale Bills/Account Sale of Personal Property	1853-1953	destroy.
85-3.2-36R	Probate Order Book	1790-1990	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-3.2-37R	Probate Order Book, Complete	c. 1829-c. 1920's	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-3.2-38	Order Book Estates, Vacation Entries	c. 1881-c. 1969	maintain permanently in original or in microform.
85-3.2-39	Assignment Order Book	discretionary	maintain permanently in original or in microform.
85-3.2-40	Probate Order Book, Transcript of Original	discretionary	maintain permanently in original or in microform.
85-3.2-41	Record of Administrator's Accounts IC 29-1-1-23(f)	c. 1860's-+ 6/30/1991	maintain permanently in original or in microform.
85-3.2-42	Inheritance Tax Files	1913- +	maintain as part of Probate Case File.
85-3.2-43	Inheritance Tax Ledger	1913- +	maintain permanently in original or microfilm & destroy original 15 years after date of last entry.
85-3.2-44	Judgment Docket, Probate (rare)	1790- +	destroy 20 years after date of last entry.
85-3.2-45	Praeipce Book, Probate (rare)	1790- +	destroy 20 years after date of last entry.
85-3.2-46	Execution Docket, Probate (rare)	1790- +	destroy 20 years after date of last entry.
85-3.2-47	General Index to Estates/Probate IC 29-1-1-23	1790-1990	maintain permanently - microfilm for security purposes.
85-3.2-48	General Index to Probate Complete Record	to c. 1920's	maintain permanently in original or in microform.
85-3.2-49	Index to Administrator's & Executor's Bonds IC 29-1-1-23	1840's- 6/20/1991	destroy when last corresponding bond ledger is destroyed.
88-3.2-50	Fee Books, Probate	1790-c. 1913	destroy upon written approval of Division of State Court Administration.

## GUARDIANSHIPS

85-3.3-01	Guardianship Docket	c. 1853-c. 1913	maintain permanently.
88-3.3-18	Guardianship Docket & Fee Book IC 29-1-1-23	1913- +	microfilm and destroy original 20 years after date of last entry/close of guardianship.
85-3.3-02	Clerk's Guardianship Docket	c. 1853-c. 1913	destroy.
85-3.3-03	Bar Docket, Guardianships	c. 1853-c. 1920's	destroy.
85-3.3-04	Bench/Judge's Docket, Guardianships	1790-c. 1920	destroy.
85-3.3-05	Guardianship Docket Sheets	c. 1910-1990	microfilm and destroy original 20 years after close of case.
85-3.3-06R	Case Files, Guardianships	1790-1990	maintain permanently in original or in microform (microfilm 5 years after order of final discharge of guardian).
85-3.3-07	Guardianship Accounts Current Reports	c. 1860's- 6/30/1991	maintain permanently in original or in microform. Maintain as part of Guardianship Case File.
94-3.3-18	Record of Guardianship Accounts Current IC 29-1-1-23(f)	c. 1860's- 6/30/1991	maintain permanently in original or in microform.
85-3.3-08	Guardian's Oaths & Letters Record	1847- +	destroy ledger 20 years after close of last case.
85-3.3-09	Guardian's Bond Record	1847- 6/30/1991	destroy ledger 20 years after close of last case.
85-3.3-10	Guardian's Bond Record to Sell Real Estate	1853-c. 1881	destroy.
85-3.3-11	Guardian's Bond, Oath & Letter Record	c. 1853-1953	destroy ledger 20 years after close of last case.
NOTE: ORIGINAL BONDS, OATHS & LETTERS ARE APPROVED BY THE COURT, ARE ENTERED IN THE ORDER BOOK WITH ORIGINALS FILED IN THE GUARDIANSHIP CASE FILES.			
85-3.3-12R	Inventory Record, Guardianships	1853- +	destroy 20 years after disposal of last case.
85-3.3-13	Record of Sale Bills, Guardianships	1853-1953	destroy.
85-3.3-14R	Order Book, Guardianships	discretionary	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer original to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-3.3-15	General Index Guardianships	discretionary	maintain permanently.
85-3.3-16	Index to Guardianship Bonds	discretionary to 6/30/1991	destroy filled ledger 20 years after entry of last case.
88-3.3-17	Fee Books, Guardianships	1790-c. 1913- +	destroy upon written approval of Division of State Court Administration.

**TRUSTS**  
**(Separate record series from probate, estates)**

85-3.4-01R	Trust Entry Docket Book/Trust Estate Fee Book [not required by IC 30-4-4-4(a)]	-to current	maintain permanently, in original or in microform (microfilm after 20 years).
85-3.4-02	Trust Case Files	-to current	maintain permanently, in original or in microform (microfilm 3 years after disposal).
85-3.4-03	Record of Trust Company Oaths (ledger)	varies	destroy 4 years after date of last entry.
85-3.4-04	Record of Delinquent Trust Records (ledger)	varies	maintain permanently in original or in microform.
85-3.4-05	Trustee's Miscellaneous Record of Reports (ledger)	varies	maintain permanently in original or in microform.

**FAMILY LAW (4)**  
**JUVENILE COURT**

85-4.1-01	Record of Affidavit for Prosecution of Juvenile (discretionary)	1903- +	destroy 20 years after date of last entry.
85-4.1-02	Entry Docket/Juvenile Entry Docket, Issue Docket & Fee Book (ledger)	1903-1990	destroy 20 years after date of last entry.
85-4.1-03	Juvenile Court Docket/Judge's Docket (replaced by Docket Sheets)	1903-c. 1930's	destroy 20 years after date of last entry.
85-4.1-04	Docket Sheets	c. 1910-1990	destroy 20 years after last entry or 20 years after time when minor reaches majority unless expunged.
85-4.1-05	Investigator's Case Reports (ledger)	1903- +	destroy 20 years after date of last entry.
85-4.1-06R	Master Card Index File	1903- +	destroy 20 years from date of last entry or all born prior to 12-31 of year when child is 18 years of age.
85-4.1-07	Society History Case Files	1903- +	destroy 12 years after last entry or 12 years after time when minor reaches majority unless expunged.
85-4.1-08R	Juvenile Order Book (ledger)	1903-1990	maintain permanently in original or in microform meeting the standards of Admin.R. 6, except individual records expunged. Microfilm after 20 years and transfer original to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
01-4.1-29	JD case files	IC 31-30-1-4 felonies committed by a juvenile under 16 years of age	destroy 12 years after juvenile reaches 18th birthdate.

01-4.1-30	JD, JC, JM and JS case files	Delinquency cases not under IC 31-30-1-4 for under 16 years of age and all CHINS, status and miscellaneous case files	destroy 12 years after juvenile reaches 18th birthdate.
01-4.1-31	JT case files	Termination of parental rights	destroy 5 years after juvenile reaches 18th birthdate.
01-4.1-32	Juvenile CCS	Official Chronological Case Summary	maintain permanently in original or in microfilm meeting AR 6 and upon written approval of the Division of State Court Administration
01-4.1-33	Juvenile RJO	Record of Judgments and Orders	maintain permanently in original or in microfilm meeting AR 6 and upon written approval of the Division of State Court Administration
87-4.1-21	Dismissed Juvenile Case Files	1903- +	destroy 2 years after order to dismiss is given.
85-4.1-10	Adult Causes, Contributing to Delinquency of Minor (Case Files)	1905- +	destroy 20 years from final judgment/order.
85-4.1-11	Bonds	1903- +	destroy 3 years after disposal of case, if such bonds are filed separately.
85-4.1-12	Record of Commitments (ledger)	1869- +	destroy 7 years after release of last person named in ledger.
85-4.1-13	Record of Releases (ledger)	1869- +	destroy 7 years after release of last person named in ledger.
85-4.1-14	Record or Reports from Juvenile Institutions (ledger)	1869- +	destroy 7 years after release of last person named in ledger.
85-4.1-15	Juvenile Institutional Report (Case Files)	1869- +	destroy 7 years after individual is released from probation.
85-4.1-16R	Probation Case Files/Folders	1903- +	destroy 7 years after individual is released from probation or informal adjustment and after child reaches 18th birthday.
88-4.1-23	Juvenile Probation Officer's Copy of Report Where no Delinquency is Filed	varies	destroy after compilation of statistics.
88-4.1-24	No Probable Cause Files	varies	destroy after 2 years of filing.
88-4.1-25	Statistical Sheets	varies	destroy upon compilation of statistics.
88-4.1-26R	Shorthand Notes/Tapes/Disks Not Transcribed	varies	destroy 7 years after date of trial and final judgment.
88-4.1-27	Court Reporter Calendars "Court Reporter's Call Sheets"	varies	maintain current year and previous year and discard earlier years.
85-4.1-17	Judgment Docket, Juvenile Court	1903- +	maintain for 20 years from date of last entry.
85-4.1-18	Juvenile Fee Book/Juvenile Fine and Fee Docket (ledger)	1903- +	destroy 6 years after date of last entry.

85-4.1-19	General Index, Juvenile Court (ledger or card file) (discretionary)	1903-1990	destroy 20 years after date of last entry.
85-4.1-20	Juvenile Restitution Record (ledger) IC 35-7-2-1	1976- +	destroy 7 years after termination of probation of last person entered.
88-4.1-22	Fee Books, Juvenile	1903-c. 1913	destroy upon written approval of Division of State Court Administration.
91-4.1-28	Juvenile Wardship Case Files	1903- +	maintain under 01-4.1-30.

Note: Under ACTS 1936(ss): 3:26(b), IC 12-1-3-10, 1976, County Boards of Welfare filed for “the dismissal of such guardianships”. These Case Files are not dismissed but such agency is ending its jurisdiction in such cases.

#### **PATERNITY**

85-4.2-01R	Paternity Book	1941- +	maintain Order permanently in court; microfilm filed ledger for security.
85-4.2-02R	Docket Sheets	1941- +	maintain permanently in court; microfilm 3 years after disposition using standards of Admin. R. 6.
85-4.2-03R	Paternity Case Files	1941- +	maintain permanently (microfilm after 5 years). If court has an approved imaging system under Admin. R. 6, scan after 1 year, destroy hard copy and convert scanned images to microfilm after 5 years.
87-4.2-04R	Dismissed Paternity Case Files	1941- +	maintain permanently in hard copy or microfilm after 2 years from order of dismissal .
91-4.2-05	Shorthand Notes/ Tapes/Disks Not Transcribed	1941- +	maintain permanently.

#### **ADOPTIONS**

85-4.3-01R	Adoption Order Book/Record	1941- +	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-4.3-02R	Adoption Case Files	1941- +	maintain permanently in hardcopy or in microform (microfilm after 5 years). If court has an approved imaging system under Admin. R. 6, scan after 1 year, destroy hard copy and convert scanned images to microfilm after 5 years.
95-4.3-02.1	Dismissed Adoption Case Files	1941- +	maintain permanently in hard copy or microform (microfilm after 2 years from order of dismissal).
85-4.3-03	Adoption Docket Sheets	1941- +	file with Adoption Case File.
85-4.3-04	Adoption General Index	1941- +	maintain permanently in original format.

91-4.3-05	Shorthand Notes/Tapes/Disks Not Transcribed	1941- +	maintain permanently.
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**COURT-ORDERED BIRTH CERTIFICATES**

85-4.4-01R	Birth Certificate Record (Order Book Index of Judicial Judgment & Decree)	1941- +	maintain permanently in original or microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-4.4-02	Birth Certificate Record-- Original Pleadings	1941- +	destroy 5 years after hearing.

**COUNTY COURT AND COURTS  
PERFORMING COUNTY COURT FUNCTIONS (5)**

85-5.1-01R	Small Claims Docket and Fee Book	1976-1990	destroy after 20 years if not used as substitute Order Book (see 85-5.1-02R).
85-5.1-02R	Civil Order Book - Small Claims/ Small Claims Docket	1976-1990	maintain permanently in original or in microfilm meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-5.1-03R	Small Claims Docket Sheets	1976-1990	maintain permanently microfilm 3 years after disposition using standards of Admin. R. 6.
90-5.1-03.1R	Small Claims Shorthand Notes/Tapes/ Disks Not Transcribed	1971- +	destroy or reuse 3 years after date of trial. See 89-1.1-26.1R for CP cases.
85-5.1-04	Judgment Docket Small Claims Rule 11	1976- +	destroy 20 years after date of last entry.
85-5.1-05R	Small Claims Case Files	1976-1990	destroy 5 years after order releasing judgment; or 10 years where judgment has not been ordered released or where no discharge in bankruptcy is filed.
87-5.1-21R	Dismissed Small Claims Case Files	1976- +	destroy 2 years after order to dismiss is given or after discharge in bankruptcy is filed.
85-5.1-06R	Civil Order Book-- Plenary/Plenary Docket	1976-1990	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-5.1-07R	Plenary Case Files	1976-1990	maintain in accordance with 85-1.125R

85-5.1-08R	Criminal Entry Docket and Fee Book	1976-1990	maintain 55 years in original or microfilm 10 years after last entry and destroy original.
85-5.1-09	Traffic Violation Docket	1976-1981	destroy.
85-5.1-10R	Infractions Order Book	1981-1990	destroy 10 years after date of last entry.
85-5.1-11R	Criminal and Traffic Docket	1976-1981	if it contains Class D Felonies, maintain 55 years; if misdemeanor only, destroy after 10 years.
85-5.1-12R	Criminal Order Book/Criminal & Misdemeanors	1976-1990	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-5.1-13R	Case Packets, Traffic Infractions	1977-1990	destroy 10 years prior to 1981; after 9-01-1981 destroy after 2 years if court complies with IC 9-30-3-11(c), (d).
85-5.1-13.1R	Traffic Non-moving Violations	1979-1990	destroy 3 years after end of calendar year and after audit by State Board of Accounts.
87-5.1-22R	Case Packets, Non-Traffic Infractions	1977-1990	destroy 10 years after final judgment.
87-5.1-23R	Case Packets, Ordinance Violations	1976-1990	destroy 10 years after final judgment.
90-5.1-23.1R	Infraction/Ordinance Violations Shorthand Notes/Tapes/Disks Not Transcribed	1971- +	destroy or reuse 2 years after final judgment. For felony and misdemeanors see 85-2-27R and 89-2-27.1.
85-5.1-14	Case Files--Criminal & Misdemeanor	1976-1990	destroy misdemeanor case files 10 years after final disposition; maintain Class D Felonies for 55 years-1979 +. Sample CM case files in accordance with 90-2-21-2; sample felony cases in accordance with 85-2-21R.
90-5.1-14.1	Copy of Pretrial Diversion Contract and Papers Filed in County of Residence, Different From County of Conviction	1976- +	retain for 2 years after contract's termination date.
85-5.1-15	General Indices	1976- +	maintain for life of ledger they index.
85-5.1-16	Jury Record	1976- +	destroy 3 years after date of final entry and audit by State Board of Accounts.

#### **JUSTICE OF THE PEACE JURISDICTION**

85-5.1-17	Civil Docket	to 1976	destroy.
85-5.1-18	Civil Case Files	to 1976	destroy.
85-5.1-19R	Criminal Docket	to 1976	destroy.
85-5.1-20R	Criminal Case Files	to 1976	destroy.

NOTE: Includes Lake County JP courts through 1978. For records prior to 1941, offer to local repository or Archives Division, Indiana Commission on Public Records before destruction.

### TOWN COURT AND CITY CRIMINAL JURISDICTION

91-5.1-29	Criminal Docket	varies	destroy 10 years after last entry.
91-5.1-30	Criminal Case Files	varies	destroy 10 years after final entry.

### CITY CIVIL JURISDICTION

88-5.1-24	Civil Entry Dockets	1875-1905; 1917- +	destroy after 20 years by petition to county records commission.
88-5.1-25	Civil Docket Ledgers/Sheets	1875-1905; 1917- +	destroy after 10 years.
88-5.1-26R	Order Books ("Minute Books" Lake County)	1875-1905; 1917- +	maintain permanently in original or microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
88-5.1-27	Civil Case Files	1875-1905; 1917- +	destroy after 5 years from date of final judgment.
88-5.1-28	Fee Books, Civil	1875-1905; 1917- +	destroy 10 years after completion of volume.

### NATURALIZATIONS (6)

(Formerly schedules 85-6-1 through 12). Transfer any and all naturalization records immediately to the Archives Division, Indiana Commission on Public Records through the Division of State Court Administration. See Indiana Rules of Court, 1991, page 675 for list.

### COURT OF CONCILIATION (7)

85-7-01	Order Book	1853-1865	transfer to Archives Division, Indiana Commission on Public Records.
85-7-02	Case Files	1853-1865	transfer to Archives Division, Indiana Commission on Public Records.

### SPECIAL JUDICIAL FUNCTIONS (8)

85-8.1-01R	Insane Record/Mental Health Record	1848- +	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-8.1-02	Insanity Inquests/M.H. Hearing, Case Files	1848-1990	destroy 7 years after discharge.

85-8.1-03R	Proceedings to Recommit to a Hospital for Insane	1881-1927	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
85-8.1-04R	Gen. Index to Insane/Mental Health Record (discretionary)	-1990	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
94-8.1-05	Commitment Files, Alcoholism	1929- +	destroy 7 years after discharge.
85-8.2-01	Commitment Order Book, Epilepsy IC 16-14-9.1	1907-1990	transfer to Archives Division, Indiana Commission on Public Records 20 years after last entry.
85-8.2-02	Commitment Files, Epilepsy IC 16-14-9.1	1907-1990	destroy 2 years after discharge of patient.
85-8.3-01	Commitment Order Book, Feeble-minded IC 16-15-1-2	1901-1990	transfer to Archives Division, Indiana Commission on Public Records 20 years after last entry.
85-8.3-02	Commitment Files, Feeble-minded IC 16-15-1-2	1901-1990	destroy 2 years after discharge of patient.
85-8.4-01	Riley Hosp'l Order Book	1924-1943	transfer to Archives Division, Indiana Commission on Public Records.
85-8.4-02	Case Files, Riley Hosp'l	1924-1943	destroy.
85-8.5-01	Commitment Files, Children to Public Hospitals	1933-1943	destroy.
85-8.6-01	IU Medical Center Order Book	1939-1943	destroy.
85-8.6-02	Case Files, IU Medical Center	1939-1943	destroy.
85-8.7-01	Record of Receiverships IC 34-2-6-1	1911-1990	destroy 20 years after date of last entry.
85-8.7-02	Files, Receivership Affidavit of Assets and Liabilities	1911-1990	destroy 20 years after filing.
85-8.7-03	Files, Receivership Claims	1911-1990	destroy 20 years after filing.
85-8.8-01R	Drainage Petitions and Case Files	1881-1990	maintain permanently in original or in microform (microfilm after 10 years).
85-8.8-02R	Drainage Order Book	1881-1990	maintain permanently in original or in microform meeting standards of Admin.R. 6. Microfilm after 20 years and transfer of originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.

#### GENERAL SCHEDULES (9)

87-9-01	Jury Lists (name slips and lists)	1790- +	maintain for 10 years unless entered in order book. If entered in order book, destroy 2 years after drawing.
87-9-02R	Order Book, Appellate Court Decisions	c. 1880- + varies	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
87-9-03R	Appellate Court Decisions	1790- +	maintain permanently in original or in microform meeting the standards of Admin.R. 6. Microfilm after 20 years and transfer originals to the Indiana Commission on Public Records or otherwise dispose of upon approval of the Division of State Court Administration.
90-9-04	Jury Record (List of Jurors) Serving on Specific Cases/Time Book (ledger)	1853- +	destroy 3 years after volume is filled and after audit by State Board of Accounts.
90-9-05	Jury Questionnaire Forms	1881- +	destroy after 2 years from date of creation.
05-9-06	Documentation supporting juror disqualifications, exemptions, and deferrals	2003--+	retain for a minimum of two (2) years.
05-9-07	Digital Master created in accordance with Administrative Rule 6	2005--+	deposit digital master (regardless of medium [used for generation of microfilm]) with the Indiana Commission on Public Records Vault for security backup.

#### **TRIAL RULE 77 SCHEDULES (10)**

94-10-01	Case Files	1991- +	Apply existing schedules for each jurisdiction, adjudicated & dismissed.
94-10-02	Indexes	1991- +	Apply existing schedules for each jurisdiction.
94-10-03	Chronological Case Summary (CCS)	1991- +	For all types (except for IF/OV), maintain permanently. Microfilm 5 years after final disposition. If maintained electronically, guarantee capacity to generate hard copy at any time. For IF/OV, destroy 10 years after final disposition.
94-10-04	Record of Designated Judgments and Orders (RJO)	1991	Maintain each type permanently. Microfilm 2 years after completion of volume in accordance with standards set in Administrative Rule 6. If maintained electronically, guarantee capacity to generate hard copy at any time.

#### **Rule 8. Uniform Case Numbering System**

(A) Application. All trial courts in the State of Indiana shall use the uniform case numbering system as set forth under this rule.

(B) Numbering System. The uniform case numbering system shall consist of four groups of characters arranged in a manner to identify the court, the year/month of filing, the case type and the filing sequence. The following is an example of the case number to be employed:

55C01-1101-CF-000123

(1) Court Identifier. The first group of five characters shall constitute the county and court identifier. The first and second character in this group shall represent the county of filing employing the following code:

01 Adams County	32 Hendricks County	63 Pike County
02 Allen County	33 Henry County	64 Porter County
03 Bartholomew County	34 Howard County	65 Posey County
04 Benton County	35 Huntington County	66 Pulaski County
05 Blackford County	36 Jackson County	67 Putnam County
06 Boone County	37 Jasper County	68 Randolph County
07 Brown County	38 Jay County	69 Ripley County
08 Carroll County	39 Jefferson County	70 Rush County
09 Cass County	40 Jennings County	71 St. Joseph County
10 Clark County	41 Johnson County	72 Scott County
11 Clay County	42 Knox County	73 Shelby County
12 Clinton County	43 Kosciusko County	74 Spencer County
13 Crawford County	44 LaGrange County	75 Starke County
14 Daviess County	45 Lake County	76 Steuben County
15 Dearborn County	46 LaPorte County	77 Sullivan County
16 Decatur County	47 Lawrence County	78 Switzerland County
17 DeKalb County	48 Madison County	79 Tippecanoe County
18 Delaware County	49 Marion County	80 Tipton County
19 Dubois County	50 Marshall County	81 Union County
20 Elkhart County	51 Martin County	82 Vanderburgh County
21 Fayette County	52 Miami County	83 Vermillion County
22 Floyd County	53 Monroe County	84 Vigo County
23 Fountain County	54 Montgomery County	85 Wabash County
24 Franklin County	55 Morgan County	86 Warren County
25 Fulton County	56 Newton County	87 Warrick County
26 Gibson County	57 Noble County	88 Washington County
27 Grant County	58 Ohio County	89 Wayne County
28 Greene County	59 Orange County	90 Wells County
29 Hamilton County	60 Owen County	91 White County
30 Hancock County	61 Parke County	92 Whitley County
31 Harrison County	62 Perry County	

The third character in the first group shall represent the court of filing employing the following code:

C	Circuit Court
D	Superior Court
E	County Court
F	Superior Municipal Division
G	Superior Court/Criminal Division
H	City Court
I	Town Court
J	Probate Court
K	Township Small Claims Court

The last two characters of the first group shall distinguish between courts in counties having more than one court of a specific type. The following code sets forth the county and court identifier for all courts:

01C01	Adams Circuit Court	10C04	Clark Circuit Court 4 (effective January 1, 2012, formerly Clark Superior Court 1)
01D01	Adams Superior Court	10D01	Clark Superior Court 1 (Abolished effective January 1, 2012)
02C01	Allen Circuit Court	10D02	Clark Superior Court 2 (Abolished effective January 1, 2012)
02D01	Allen Superior Court	10D03	Clark Superior Court 3 (Abolished effective January 1, 2012)
02D02	Allen Superior Court	10E01	Clark County Court (abolished)
02D03	Allen Superior Court	10H01	Clark/Charlestown City Court (abolished effective January 1, 2012)
02D04	Allen Superior Court	10H02	Clark/Jeffersonville City Court
02D05	Allen Superior Court	10I01	Clark/Clarksville Town Court
02D06	Allen Superior Court	10I02	Clark/Sellersburg Town Court (abolished effective January 1, 2012)
02D07	Allen Superior Court	11C01	Clay Circuit Court
02D08	Allen Superior Court	11D01	Clay Superior Court
02D09	Allen Superior Court	12C01	Clinton Circuit Court
02H01	Allen/New Haven City Court	12D01	Clinton Superior Court
03C01	Bartholomew Circuit Court	12E01	Clinton County Court (abolished)
03D01	Bartholomew Superior Court 1	12H01	Clinton/Frankfort City Court
03D02	Bartholomew Superior Court 2	13C01	Crawford Circuit Court
04C01	Benton Circuit Court	14C01	Daviess Circuit Court
05C01	Blackford Circuit Court	14D01	Daviess Superior Court
05D01	Blackford Superior Court	14E01	Daviess County Court (abolished)
05E01	Blackford County Court (abolished)	15C01	Dearborn Circuit Court
05H01	Blackford/Hartford City City Court (abolished)	15D01	Dearborn Superior Court
05H02	Blackford/Montpelier City Court (abolished)	15D02	Dearborn Superior Court 2
06C01	Boone Circuit Court	15E01	Dearborn County Court (abolished)
06D01	Boone Superior Court 1	15H01	Dearborn/Aurora City Court (abolished effective January 1, 2012)
06D02	Boone Superior Court 2	15H02	Dearborn/Lawrenceburg City Court
06H01	Boone/Lebanon City Court	16C01	Decatur Circuit Court
06I01	Boone/Thorntown Town Court	16D01	Decatur Superior Court
06I02	Boone/Zionsville Town Court	16E01	Decatur County Court (abolished)
06I03	Boone/Jamestown Court	17C01	DeKalb Circuit Court
06I04	Boone/Whitestown Town Court	17D01	DeKalb Superior Court
07C01	Brown Circuit Court	17D02	DeKalb Superior Court 2
08C01	Carroll Circuit Court	17H01	DeKalb/Butler City Court
08D01	Carroll Superior Court	18C01	Delaware Circuit Court
08H01	Carroll/Delphi City Court	18C02	Delaware Circuit Court 2
08I01	Carroll/Burlington Town Court	18C03	Delaware Circuit Court 3
09C01	Cass Circuit Court	18C04	Delaware Circuit Court 4
09D01	Cass Superior Court 1	18C05	Delaware Circuit Court 5
09D02	Cass Superior Court 2	18D01	Delaware Superior Court 1 (abolished)
10C01	Clark Circuit Court 1	18D02	Delaware Superior Court 2 (abolished)
10C02	Clark Circuit Court 2 (effective January 1, 2012, formerly Clark Superior Court 2)		
10C03	Clark Circuit Court 3 (effective January 1, 2012, formerly Clark Superior Court 3)		

18D03	Delaware Superior Court 3 (abolished)	28D01	Greene Superior Court
18D04	Delaware Superior Court 4 (abolished)	28E01	Greene County Court (abolished)
18H01	Delaware/Muncie City Court	29C01	Hamilton Circuit Court
18I01	Delaware/Yorktown Town Court	29D01	Hamilton Superior Court 1
19C01	Dubois Circuit Court	29D02	Hamilton Superior Court 2
19D01	Dubois Superior Court	29D03	Hamilton Superior Court 3
20C01	Elkhart Circuit Court	29D04	Hamilton Superior Court 4
20D01	Elkhart Superior Court 1	29D05	Hamilton Superior Court 5
20D02	Elkhart Superior Court 2	29D06	Hamilton Superior Court 6
20D03	Elkhart Superior Court 3	29E01	Hamilton County Court (abolished)
20D04	Elkhart Superior Court 4 [Goshen]	29H01	Hamilton/Carmel City Court
20D05	Elkhart Superior Court 5 [Elkhart]	29H02	Hamilton/Noblesville City Court
20D06	Elkhart Superior Court 6 [Elkhart]	29H03	Hamilton/Fishers Town Court (effective January 1, 2012)
20E01	Elkhart County Court 1 in Elkhart (abolished)	30C01	Hancock Circuit Court
20E02	Elkhart County Court 2 in Goshen (abolished)	30D01	Hancock Superior Court 1
20H01	Elkhart/Elkhart City Court	30D02	Hancock Superior Court 2
20H02	Elkhart/Goshen City Court	30E01	Hancock county Court (abolished)
20H03	Elkhart/Nappanee City Court	31C01	Harrison Circuit Court
21C01	Fayette Circuit Court	31D01	Harrison Superior Court
22C01	Floyd Circuit Court	31E01	Harrison County Court (abolished)
22D01	Floyd Superior Court 1	32C01	Hendricks Circuit Court
22D02	Floyd Superior Court 2 (effective January 1, 2009, formerly Floyd County Court)	32D01	Hendricks Superior Court 1
22D03	Floyd Superior Court 3 (effective January 1, 2009)	32D02	Hendricks Superior Court 2
22E01	Floyd County Court (abolished January 1, 2009)	32D03	Hendricks Superior Court 3
21D01	Fayette Superior Court	32D04	Hendricks Superior Court 4
23C01	Fountain Circuit Court	32D05	Hendricks Superior Court 5
23H01	Fountain/Attica City Court	32I01	Hendricks/Plainfield Town Court
24C01	Franklin Circuit Court 1	32I02	Hendricks/Brownsburg Town Court
24C02	Franklin Circuit Court 2	32I03	Hendricks/Avon Town Court
25C01	Fulton Circuit Court	33C01	Henry Circuit Court 1
25D01	Fulton Superior Court	33C02	Henry Circuit Court 2 (effective July 1, 2011, formerly Henry Superior Court 1)
25E01	Fulton County Court (abolished)	33C03	Henry Circuit Court 3 (effective July 1, 2011, formerly Henry Superior Court 2)
26C01	Gibson Circuit Court	33D01	Henry Superior Court 1 (abolished effective July 1, 2011)
26D01	Gibson Superior Court	33D02	Henry Superior Court 2 (abolished effective July 1, 2011)
27C01	Grant Circuit Court	33E01	Henry County Court (abolished)
27D01	Grant Superior Court 1	33H01	New Castle City Court
27D02	Grant Superior Court 2	33I01	Henry/Knightstown Town Court (abolished effective October 31, 2011)
27D03	Grant Superior Court 3	34C01	Howard Circuit Court
27E01	Grant County Court (abolished)	34D01	Howard Superior Court 1
27H01	Grant/Gas City City Court	34D02	Howard Superior Court 2
27H02	Grant/Marion City Court	34D03	Howard Superior Court 3
28C01	Greene Circuit Court		

34D04	Howard Superior Court 4	44D01	LaGrange Superior Court
34E01	Howard County Court (abolished)	44E01	LaGrange County Court (abolished)
35C01	Huntington Circuit Court	45C01	Lake Circuit Court
35D01	Huntington Superior Court	45D01	Lake Superior Court, Civil Division 1
35E01	Huntington County Court (abolished)	45D02	Lake Superior Court, Civil Division 2
35I01	Huntington/Roanoke Town Court	45D03	Lake Superior Court, Civil Division 3
36C01	Jackson Circuit Court	45D04	Lake Superior Court, Civil Division 4
36D01	Jackson Superior Court 1	45D05	Lake Superior Court, Civil Division 5
36D02	Jackson Superior Court 2 (effective January 1, 2008)	45D10	Lake Superior Court, Civil Division 6
36E01	Jackson County Court (abolished)	45D11	Lake Superior Court, Civil Division 7
37C01	Jasper Circuit Court	45D06	Lake Superior Court, Juvenile Division
37D01	Jasper Superior Court	45D07	Lake Superior Court, County Division 1
37D02	Jasper Superior Court 2 (abolished)	45D08	Lake Superior Court, County Division 2
37I01	Jasper/DeMotte Town Court	45D09	Lake Superior Court, County Division 3
37I02	Jasper/Wheatfield Town Court (abolished)	45D12	Lake Superior Court, County Division 4
38C01	Jay Circuit Court	45G01	Lake Superior Court, Criminal Division 1
38D01	Jay Superior Court	45G02	Lake Superior Court, Criminal Division 2
38E01	Jay County Court (abolished)	45G03	Lake Superior Court, Criminal Division 3
38H01	Jay/Dunkirk City Court	45G04	Lake Superior Court, Criminal Division 4
38H02	Jay/Portland City Court	45E01	Lake County Court (abolished)
39C01	Jefferson Circuit Court	45E02	Lake County Court (abolished)
39D01	Jefferson Superior Court	45E03	Lake County Court (abolished)
39E01	Jefferson County Court (abolished)	45H01	Lake/Crown Point City Court
40C01	Jennings Circuit Court	45H02	Lake/East Chicago City Court
40D01	Jennings Superior Court	45H03	Lake/Gary City Court
40H01	Jennings/North Vernon city Court (abolished)	45H04	Lake/Hammond City Court
41C01	Johnson Circuit Court	45H05	Lake/Hobart City Court
41D01	Johnson Superior Court 1	45H06	Lake/Lake Station City Court
41D02	Johnson Superior Court 2	45H07	Lake/Whiting City Court
41D03	Johnson Superior Court 3	45I01	Lake/Merrillville Town Court
41H01	Johnson/Franklin City Court	45I02	Lake/Schererville Town Court
41H02	Johnson/Greenwood City Court	45I03	Lake/Lowell Town Court
41I01	Johnson/New Whiteland Town Court (abolished)	46C01	LaPorte Circuit Court
42C01	Knox Circuit Court	46D01	LaPorte Superior Court 1
42D01	Knox Superior Court 1	46D02	LaPorte Superior Court 2
42D02	Knox Superior Court 2	46D03	LaPorte Superior Court 3 in LaPorte
42E01	Knox County Court (abolished)	46D04	LaPorte Superior Court 4 in Michigan City
42H01	Knox/Bicknell City Court	47C01	Lawrence Circuit Court
43C01	Kosciusko Circuit Court	47D01	Lawrence Superior Court 1
43D01	Kosciusko Superior Court 1	47D02	Lawrence Superior Court 2
43D02	Kosciusko Superior Court 2	47E01	Lawrence County Court (abolished)
43D03	Kosciusko Superior Court 3	48C01	Madison Circuit Court 1
43E01	Kosciusko County Court (abolished)	48C02	Madison Circuit Court 2 (effective July 1, 2011, formerly Madison Superior Court 2)
44C01	LaGrange Circuit Court	48C03	Madison Circuit Court 3 (effective July 1, 2011, formerly Madison Superior Court 3)

48C04	Madison Circuit Court 4 (effective July 1, 2011, formerly Madison Superior Court 4)	49F13	Marion Superior Court, Criminal Division 13
48C05	Madison Circuit Court 5 (effective July 1, 2011, formerly Madison Superior Court 5)	49F15	Marion Superior Court, Criminal Division 15
48C06	Madison Circuit Court 6 (effective July 1, 2011, formerly Madison Superior Court 1)	49F16	Marion Superior Court, Criminal Division 16 (renumbered 49G16 effective 2/1/07)
48D01	Madison Superior Court 1 (abolished effective July 1, 2011)	49F17	Marion Superior Court, Criminal Division 17 (renumbered 49G17 effective 2/1/07)
48D02	Madison Superior Court 2 (abolished effective July 1, 2011)	49F18	Marion Superior Court, Criminal Division 18
48D03	Madison Superior Court 3 (abolished effective July 1, 2011)	49F19	Marion Superior Court, Criminal Division 19
48D04	Madison Superior Court 4 (effective January 1, 2009, formerly Madison County Court 1) (abolished effective July 1, 2011)	49F24	Marion Superior Court, Criminal Division 24
48D05	Madison Superior Court 5 (effective January 1, 2009, formerly Madison County Court 2) (abolished effective July 1, 2011)	49G01	Marion Superior Court, Criminal Division 1
48E01	Madison County Court 1 (abolished effective January 1, 2009)	49G02	Marion Superior Court, Criminal Division 2
48E02	Madison County Court 2 (abolished effective January 1, 2009)	49G03	Marion Superior Court, Criminal Division 3
48H01	Madison/Alexandria City Court	49G04	Marion Superior Court, Criminal Division 4
48H02	Madison/Anderson City Court	49G05	Marion Superior Court, Criminal Division 5
48H03	Madison/Elwood City Court	49G06	Marion Superior Court, Criminal Division 6
48I01	Madison/Edgewood Town Court	49G14	Marion Superior Court, Criminal Division 14
48I02	Madison/Pendleton Town Court	49G16	Marion Superior Court, Criminal Division 16
49C01	Marion Circuit Court	49G17	Marion Superior Court, Criminal Division 17
49D01	Marion Superior Court, Civil Division 1	49G20	Marion Superior Court, Criminal Division 20
49D02	Marion Superior Court, Civil Division 2	49G21	Marion Superior Court, Criminal Division 21
49D03	Marion Superior Court, Civil Division 3	49G22	Marion Superior Court, Criminal Division 22
49D04	Marion Superior Court, Civil Division 4	49G23	Marion Superior Court, Criminal Division 23
49D05	Marion Superior Court, Civil Division 5	49H01	Marion/Beech Grove City Court
49D06	Marion Superior Court, Civil Division 6	49I01	Marion/Cumberland Town Court
49D07	Marion Superior Court, Civil Division 7	49K01	Marion County Small Claims Court, Center Division
49D08	Marion Superior Court, Probate Division	49K02	Marion County Small Claims Court, Decatur Division
49D09	Marion Superior Court, Juvenile Division	49K03	Marion County Small Claims Court, Lawrence Division
49D10	Marion Superior Court, Civil Division 10	49K04	Marion County Small Claims Court, Perry Division
49D11	Marion Superior Court, Civil Division 11	49K05	Marion County Small Claims Court, Pike Division
49D12	Marion Superior Court, Civil Division 12	49K06	Marion County Small Claims Court, Warren Division
49D13	Marion Superior Court, Civil Division 13	49K07	Marion County Small Claims Court, Washington Division
49D14	Marion Superior Court, Civil Division 14	49K08	Marion County Small Claims Court, Wayne Division
49F07	Marion Superior Court, Criminal Division 7	49K09	Marion County Small Claims Court, Franklin Township
49F08	Marion Superior Court, Criminal Division 8	50C01	Marshall Circuit Court
49F09	Marion Superior Court, Criminal Division 9	50D01	Marshall Superior Court 1
49F10	Marion Superior Court, Criminal Division 10	50D02	Marshall Superior Court 2
49F11	Initial Hearing Court	50E01	Marshall County Court (abolished)
49F12	Marion Superior Court, Environmental/Community Court	50H01	Marshall/Plymouth City Court (abolished)

50I01	Marshall/Argos Town Court (abolished)	59C01	Orange Circuit Court
51C01	Martin Circuit Court	59D01	Orange Superior Court
51H01	Martin/Loogootee City Court (abolished)	59E01	Orange County Court (abolished)
52C01	Miami Circuit Court	60C01	Owen Circuit Court
52D01	Miami Superior Court 1	61C01	Parke Circuit Court
52D02	Miami Superior Court 2	62C01	Perry Circuit Court
52H01	Miami/Peru City Court	62H01	Perry/Cannelton Town Court (abolished)
52I01	Miami/Bunker Hill Town Court	62H02	Perry/Tell City City Court (abolished)
53C01	Monroe Circuit Court 1	63C01	Pike Circuit Court
53C02	Monroe Circuit Court 2	63H01	Pike/Petersburg City Court (abolished)
53C03	Monroe Circuit Court 3	64C01	Porter Circuit Court
53C04	Monroe Circuit Court 4	64D01	Porter Superior Court 1
53C05	Monroe Circuit Court 5	64D02	Porter Superior Court 2
53C06	Monroe Circuit Court 6	64D03	Porter Superior Court 3
53C07	Monroe Circuit Court 7	64D04	Porter Superior Court 4
53C08	Monroe Circuit Court 8	64D05	Porter Superior Court 5 (Circuit Judge)
53C09	Monroe Circuit Court 9	64D06	Porter Superior Court 6
53D01	Monroe Superior Court (abolished)	64E01	Porter County Court (abolished)
53D02	Monroe Superior Court (abolished)	64I01	Porter/Chesterton Town Court (abolished)
53D03	Monroe Superior Court (abolished)	65C01	Posey Circuit Court
53D04	Monroe Superior Court (abolished)	65D01	Posey Superior Court
53D05	Monroe Superior Court (abolished)	65E01	Posey County Court (abolished)
54C01	Montgomery Circuit Court	66C01	Pulaski Circuit Court
54D01	Montgomery Superior Court	66D01	Pulaski Superior Court
54D02	Montgomery Superior Court 2	66E01	Pulaski County Court (abolished)
54E01	Montgomery County Court (abolished)	67C01	Putnam Circuit Court
54H01	Montgomery/Crawfordsville City Court (abolished)	67D01	Putnam Superior Court
55C01	Morgan Circuit Court	67E01	Putnam County Court (abolished)
55D01	Morgan Superior Court 1	68C01	Randolph Circuit Court
55D02	Morgan Superior Court 2	68D01	Randolph Superior Court
55D03	Morgan Superior Court 3	68E01	Randolph County Court (abolished)
55E01	Morgan County Court (abolished)	68H01	Randolph/Winchester City Court
55H01	Morgan/Martinsville City Court	68H02	Randolph/Union City City Court
55I01	Morgan/Mooresville Town Court	69C01	Ripley Circuit Court
56C01	Newton Circuit Court	69D01	Ripley Superior Court
56D01	Newton Superior Court	69H01	Ripley/Batesville City Court
57C01	Noble Circuit Court	69I01	Ripley/Versailles Town court
57D01	Noble Superior Court 1	70C01	Rush Circuit Court
57D02	Noble Superior Court 2 7/1/1999	70D01	Rush Superior Court
57E01	Noble County Court (to be abolished) 7/1/1999	70E01	Rush County Court (abolished)
57I01	Noble/Avilla Town Court (abolished)	71C01	St. Joseph Circuit Court
57I02	Noble/Cromwell Town Court (abolished)	71D01	St. Joseph Superior Court
58C01	Ohio Circuit Court	71D02	St. Joseph Superior Court
58D01	Ohio Superior Court (abolished effective January 1, 2009)	71D03	St. Joseph Superior Court
		71D04	St. Joseph Superior Court
		71D05	St. Joseph Superior Court

71D06	St. Joseph Superior Court	82D05	Vanderburgh Superior Court
71D07	St. Joseph Superior Court	82D06	Vanderburgh Superior Court
71D08	St. Joseph Superior Court	82D07	Vanderburgh Superior Court
71I01	St. Joseph/Walkerton Town Court	83C01	Vermillion Circuit Court
71I02	St. Joseph/Lakeville Town Court	83H01	Vermillion/Clinton City Court
71J01	St. Joseph Probate Court	84C01	Vigo Circuit Court
72C01	Scott Circuit Court	84D01	Vigo Superior Court 1
72D01	Scott Superior Court	84D02	Vigo Superior Court 2
72E01	Scott County Court (abolished)	84D03	Vigo Superior Court 3 (Circuit Judge)
73C01	Shelby Circuit Court	84D04	Vigo Superior Court 4
73D01	Shelby Superior Court 1	84D05	Vigo Superior Court 5
73D02	Shelby Superior Court 2	84D06	Vigo Superior Court 6
73E01	Shelby County Court (abolished)	84E04	Vigo County Court, Division 4 (abolished)
74C01	Spencer Circuit Court	84E05	Vigo County Court, Division 5 (abolished)
74H01	Spencer/Rockport City Court (abolished)		(84E01, 84E02, and 84E03 not used)
75C01	Starke Circuit Court	84H01	Vigo/Terre Haute City Court
75H01	Starke/Knox City Court	85C01	Wabash Circuit Court
76C01	Steuben Circuit Court	85D01	Wabash Superior Court
76D01	Steuben Superior Court	85E01	Wabash County Court (abolished)
76E01	Steuben County Court (abolished)	85H01	Wabash/Wabash City Court
76I01	Steuben/Fremont Town Court	85I01	Wabash/N. Manchester Town Court (abolished effective January 1, 2012)
77C01	Sullivan Circuit Court	86C01	Warren Circuit Court
77D01	Sullivan Superior Court	87C01	Warrick Circuit Court
77E01	Sullivan County Court (abolished)	87D01	Warrick Superior Court 1
78C01	Switzerland Circuit Court	87D02	Warrick Superior Court 2
78D01	Switzerland Superior Court (abolished effective January 1, 2009)	88C01	Washington Circuit Court
79C01	Tippecanoe Circuit Court	88D01	Washington Superior Court
79D01	Tippecanoe Superior Court 1	88H01	Washington/Salem City Court (abolished)
79D02	Tippecanoe Superior Court 2	89C01	Wayne Circuit Court
79D03	Tippecanoe Superior Court 3	89D01	Wayne Superior Court 1
79D04	Tippecanoe Superior Court 4	89D02	Wayne Superior Court 2
79D05	Tippecanoe Superior Court 5	89D03	Wayne Superior Court 3
79D06	Tippecanoe Superior Court 6	89D03	Wayne Superior Court 4 (transfer judge)
79H01	Tippecanoe/West Lafayette City Court	89I01	Wayne/Hagerstown Town Court
80C01	Tipton Circuit Court	90C01	Wells Circuit Court
80H01	Tipton/Tipton City Court	90D01	Wells Superior Court
80I01	Tipton/Sharpsville Town Court	90H01	Wells/Bluffton City Court
81C01	Union Circuit Court	91C01	White Circuit Court
82C01	Vanderburgh Circuit Court	91D01	White Superior Court
82D01	Vanderburgh Superior Court	91I01	White/Monon Town Court (abolished effective January 1, 2011)
82D02	Vanderburgh Superior Court	92C01	Whitely Circuit Court
82D03	Vanderburgh Superior Court	92D01	Whitley Superior Court
82D04	Vanderburgh Superior Court		

- (2) Year/Month of Filing. The second group of four characters shall represent the year and month of filing. As shown above, digits one and two of this group denote the last two digits of the calendar year and digits three and four reflect the month of filing.
- (3) Case type. The third group of two characters shall designate the type of proceeding utilizing the following case classification code:

MR--	Murder
CF--	Criminal Felony (New CF case numbers shall not be issued after 12/31/2001. CF cases filed prior to 1/1/2002 shall continue to bear the CF case type designation.)
FA--	Class A Felony
FB--	Class B Felony
FC--	Class C Felony
FD--	Class D Felony
PC--	Post Conviction Relief Petition
CM--	Criminal Misdemeanor
MC--	Miscellaneous Criminal
IF--	Infraction
OV--	Local Ordinance Violation
OE--	Exempted Ordinance Violation
CT--	Civil Tort
CP--	Civil Plenary (New CP case numbers shall not be issued after 12/31/2001. CP cases filed before 1/1/2002 shall continue to bear the CP case type.)
PL--	Civil Plenary (Civil Plenary cases filed after 1/1/2002--All Civil cases except those otherwise specifically designated)
CC--	Civil Collection
MF--	Mortgage Foreclosure
MI--	Miscellaneous (Civil cases other than those specifically identified--i.e. change of name, appointment of appraisers, marriage waivers, etc.)
CB--	court business record--i.e. court orders that refer to non-case matters such as the appointment of judge pro tem, drawing the jury, etc.
RS--	Reciprocal Support
SC--	Small Claim
DR--	Domestic Relation (Includes Dissolution of Marriage, Annulment, and Legal Separation)
MH--	Mental Health
AD--	Adoption
ES--	Estate, Supervised
EU--	Estate, Unsupervised
EM--	Estate, Miscellaneous
GU--	Guardianship
TR--	Trust
JC--	Juvenile CHINS
JD--	Juvenile Delinquency
JS--	Juvenile Status
JT--	Juvenile Termination of Parental Rights
JP--	Juvenile Paternity
JM--	Juvenile Miscellaneous
PO--	Order of Protection

Separate dockets need not be maintained for each type.

- (4) Filing Sequence. The fourth group shall consist of six (6) characters assigned sequentially to a case when it is filed. It shall begin with a “000001” at the beginning of each year for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) and continue sequentially until the end of the year. No court is required to change to using six (6) characters in the fourth group to the extent that it requires re-programming that court's existing electronic case management system. The same sequence for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) shall be used in common for all circuit, probate and superior courts within a county using the same case management system. No court is required to use the same sequence in common to the extent that it requires re-programming that court's existing electronic case management system.
- (C) Transferring Cases Between Courts Within County. Whenever a case is transferred between circuit, probate or superior courts within the same county, only the court identifier in the first group of characters in the case number shall be changed. No change shall be made to the fourth group of characters in the case number. The following is an example of how a case number should appear before and after the case has been transferred from one court to another:

55C01-1101-CF-000123 (Case number as it appears in originating court).

55D02-1101-CF-000123 (Case number as it appears in court to which case transferred).

The restriction prohibiting a change to the fourth group of characters does not apply to the extent that implementation of this restriction would require re-programming of the court's existing electronic case management system.

#### *Commentary*

*The following changes to the uniform case numbering system shall take effect January 1, 2011:*

- 1. Administrative Rule 8(2) is amended to require that any case number must contain the month in which a case is filed. (Previously, including the month of filing was optional.) The reason for this change is to facilitate the collection of case filing statistics for periods of time of less than one year.*
- 2. Administrative Rule 8(4) is amended to require that the fourth group of characters (the "filing sequence") in a case number consist of six (6) characters. (Previously, the filing sequence could contain any number of characters up to six (6)). The reasons for this change are to, first, facilitate on-line searches for cases and, second, achieve greater statewide uniformity in the case numbering system. No court is required to comply with this change to the extent that it would require re-programming of that court's existing electronic case management system. In the process of converting a court's legacy data to a new case management system, the filing sequence may be expanded to consist of six (6) characters.*
- 3. Administrative Rule 8(4) is further amended to require that the same sequence for each case classification (or for each docket book or case pool if more than one case classification is grouped within a single docket or case pool) shall be used in common for all circuit and superior courts within a county using the same case management system. (Previously, each court could use its own filing sequence). In addition, Administrative Rule 8 is further amended by adding a new paragraph “C” providing that when a case is transferred between any circuit, probate, and superior court in the same county, only the court identifier is to be changed; the filing sequence is to remain the same. The reason for these changes is to facilitate the transfer of cases between courts in the same county. Without this change, two cases may, after a transfer, have the same case number, requiring a new filing sequence to be assigned. For example, under current practice, C Felony cases could be filed in Circuit and Superior Courts in Morgan County under case numbers 55C01-1101-CF-000123 and 55D01-1101-CF-000123. Absent this amendment, if the case in Circuit Court is transferred to Superior Court, there would be two cases in Superior Court with the case number 55C01-1101-CF-000123. This change will also achieve greater statewide uniformity in the case numbering system. No court is required to comply with this change to the extent that it would require re-programming of that court's existing electronic case management system.*

#### **Rule 8.1. Uniform Appellate Case Numbering System**

- (A) **Application.** The Clerk of the Supreme Court shall use the uniform case numbering system set forth below for cases filed in the Supreme Court, Court of Appeals and Tax Court.
- (B) **Numbering System.** The uniform appellate case numbering system shall consist of four groups of characters arranged in a manner to identify the court, the year/month of filing, the case type and the filing sequence. The following is an example of the case number to be employed:

55S00-0804-SJ-001

- (1) *Court Identifier*. In cases filed in the Supreme Court and the Court of Appeals, and in inheritance tax cases and original tax appeals filed in the Tax Court, the first group of five characters shall constitute the county and the court identifier. The first and second character in this group shall represent the county of the court from which the case is being appealed or the original action arose; the county where the original inheritance tax action arose; or the county designated in the written election filed by the taxpayer in an original tax appeal, or otherwise designated as set forth in Indiana Tax Rule 8(A), employing the same code set forth in Administrative Rule 8(B)(1). For the cases noted below, the following topic codes will be used in place of county codes:

93 Appeals from agency actions pursuant to IC 4-21.5-5 *et seq.*

94 Certified Questions, Rule Amendments, and other miscellaneous matters

98 Disciplinary matters involving out-of-state attorneys.

The third character in the first group shall represent the court in which the proceeding is being filed employing the following codes:

S Supreme Court

A Court of Appeals

T Tax Court

The last two characters of the first group shall distinguish between geographical districts set forth in IC 33-25-1-2 from which the case is being appealed or being assigned in the Court of Appeals, and additional cases and other matters handled by the Supreme Court and the Tax Court, employing the following codes:

00 Administrative/Other matters handled by the Supreme Court, including, but not limited to, Attorney Disciplinary matters, Judicial Disciplinary matters, Special Judge assignments, Senior Judge assignments and Rule amendments.

01 First District: Bartholomew, Boone, Brown, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, Dubois, Fayette, Floyd, Fountain, Franklin, Gibson, Greene, Hancock, Harrison, Hendricks, Henry, Jackson, Jefferson, Jennings, Johnson, Knox, Lawrence, Martin, Monroe, Montgomery, Morgan, Ohio, Orange, Owen, Parke, Perry, Pike, Posey, Putnam, Randolph, Ripley, Rush, Scott, Shelby, Spencer, Sullivan, Switzerland, Union, Vanderburgh, Vermillion, Vigo, Warrick, Washington, and Wayne.

02 Second District: Adams, Blackford, Carroll, Cass, Clinton, Delaware, Grant, Hamilton, Howard, Huntington, Jay, Madison, Marion, Miami, Tippecanoe, Tipton, Wabash, Wells, and White.

03 Third District: Allen, Benton, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, LaGrange, Lake, LaPorte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Warren, and Whitley.

04 The entire state constitutes the Fourth District.

05 The entire state constitutes the Fifth District.

10 Cases appealed to the Tax Court.

- (2) *Year/Month of Filing*. The second group of four characters shall represent the year and month of filing. As shown above, the first and second characters of this group denote the last two digits of the calendar year and the third and fourth characters reflect the month of filing.

- (3) *Case Type*. The third group of two characters shall designate the type of proceeding.

- i. The following codes shall be used for matters originating in the Supreme Court:

BL Board of Law Examiners

CQ Certified Questions

DI Attorney Discipline

JD Judicial Discipline

MS Miscellaneous Matters

OR Original Actions

SJ Special Judges

- ii. In appeals, the same case type code used in the lower court, as specified in Administrative Rule 8(B)(3), shall be used except as indicated below:

EX Appeals in certain administrative proceedings

TA Appeals from the Tax Court

DP Direct capital appeals

PD Post-conviction capital appeals

LW Direct Life without Parole (LWOP) appeals

CR Direct appeals (non-capital, non-LWOP)  
PC Post-conviction appeals (non-capital)  
SD Requests to file successive capital post-conviction petitions  
SP Requests to file successive post-conviction petitions (non-capital)  
JV Juvenile delinquency appeals with a trial court designation of "JD".

- (4) **Filing Sequence.** The fourth group may consist of any number of characters assigned sequentially to a case when it is filed. It shall begin with "1" at the beginning of each year for each case classification and continue sequentially until the end of the year. The number of cases filed within a given classification will determine the number of digits in this group.

## **Rule 9. Access to Court Records**

### **(A) Scope and Purposes.**

- (1) Pursuant to the inherent authority of the Indiana Supreme Court and pursuant to Indiana Code § 5-14-3-4(a)(8), this rule governs public access to, and confidentiality of, court records. Except as otherwise provided by this rule, access to court records shall be governed by the Indiana Access to Public Records Act (Indiana Code § 5-14-3-1, et. seq.).
- (2) The purposes of this rule are to:
  - (a) Promote accessibility to court records;
  - (b) Support the role of the judiciary;
  - (c) Promote governmental accountability;
  - (d) Contribute to public safety;
  - (e) Minimize the risk of injury to individuals;
  - (f) Protect individual privacy rights and interests;
  - (g) Protect proprietary business information;
  - (h) Minimize reluctance to use the court system;
  - (i) Make the most effective use of court and clerk of court staff;
  - (j) Provide excellent customer service; and
  - (k) Avoid unduly burdening the ongoing business of the judiciary.
- (3) This rule applies only to court records as defined in this rule and does not authorize or prohibit access to information gathered, maintained, or stored by a non-judicial governmental agency or other entity.
- (4) Disputes arising under this rule shall be determined in accordance with this and, to the extent not inconsistent with this rule, by all other rules of procedure, evidence, and appeal.
- (5) This rule applies to all court records; however clerks and courts need not redact or restrict information that was otherwise public in case records and administrative records created before January 1, 2005.

### *Commentary*

*The objective of this rule is to provide maximum public accessibility to court records, taking into account public policy interests that are not always fully compatible with unrestricted access. The public policy interests listed above are in no particular order. This rule attempts to balance competing interests and recognizes that unrestricted access to certain information in court records could result in an unwarranted invasion of personal privacy or unduly increase the risk of injury to individuals and businesses. This rule recognizes there are strong societal reasons for allowing public access to court records and denial of access could compromise the judiciary's role in society, inhibit accountability, and endanger public safety.*

*This rule starts from the presumption of open public access to court records. In some circumstances; however, there may be sound reasons for restricting access to these records. This rule recognizes that there are times when access to information may lead to, or increase the risk of, harm to individuals. However, given the societal interests in access to court records, this rule also reflects the view that any restriction to access must be implemented in a manner tailored to serve the interests in open access. It is also important to remember that, generally, at least some of the parties in a court case are not in court voluntarily, but rather have been brought into court by plaintiffs or by the government. A person who is not a party to the action may also be mentioned in the court record. Care should be taken that the privacy rights and interests of such involuntary parties or 'third' persons are not unduly compromised.*

*Subsection (A)(3) is intended to assure that public access provided under this Rule does not apply to information gathered, maintained or stored by other agencies or entities that is not necessary to, or is not part of the basis of, a court's decision or the judicial process. Access to this information is governed by the law and the access policy of the agency collecting and maintaining such information. The ability of a computer in a court or clerk's office to access the information because the computer uses shared software and databases does not, by itself, make the information subject to this rule.*

*The Division of State Court Administration may provide advisory information to individuals or entities about the provisions, restrictions, and limitations of this rule.*

**(B) Who Has Access Under This Rule.**

- (1) All persons have access to court records as provided in this rule, except as provided in section (B)(2) of this rule.
- (2) The following persons, in accordance with their functions within the judicial system, may have greater access to court records:
  - (a) court, court agency or clerk of court employees;
  - (b) private or governmental persons or entities who assist a court in providing court services;
  - (c) public agencies whose access to court records is defined by other statutes, rules, orders or policies; and
  - (d) the parties to a case or their lawyers with respect to their own case.

*Commentary*

*Subsection (B)(1) provides the general rule that all persons, including members of the general public, the media, and commercial and noncommercial entities, are entitled to the same basic level of access to court records. Access to court records is not determined by who is seeking access or the purpose for seeking access, although some users, such as court employees or the parties to a particular case, may have greater access to those particular records than is afforded the general public.*

*Subsection (B)(2) provides the exception to the general rule and specifies the entities and persons for whom courts may provide greater access. This greater level of access is a result of the need for effective management of the judicial system and the protection of the right to a fair trial.*

*The means of access may depend upon the form in which the court record exists. Certain circumstances relating to compilation or bulk distribution of information gleaned from court records may affect access to court records.*

**(C) Definitions. For purpose of this rule:**

- (1) "Court Record" means both case records and administrative records.
- (2) "Case Record" means any document, information, data, or other item created, collected, received, or maintained by a court, court agency or clerk of court in connection with a particular case.
- (3) "Administrative Record" means any document, information, data, or other item created, collected, received, or maintained by a court, court agency, or clerk of court pertaining to the administration of the judicial branch of government and not associated with any particular case.
- (4) "Court" means the Indiana Supreme Court, Court of Appeals, Tax Court, and all Circuit, Superior, Probate, County, City, Town, or Small Claims Courts.
- (5) "Clerk of Court" means the Clerk of the Indiana Supreme Court, Court of Appeals, and Tax Court, the Clerk of a Circuit, Superior, Probate, or County Court, the Clerk of a City or Town court, and the Clerk of a Marion County Small Claims Court, including staff.
- (6) "Public access" means the process whereby a person may inspect and copy the information in a court record.
- (7) "Remote access" means the ability of a person to inspect and copy information in a court record in electronic form through an electronic means.
- (8) "In electronic form" means any information in a court record in a form that is readable through the use of an electronic device, regardless of the manner in which it was created.
- (9) "Bulk Distribution" means the distribution of all, or a significant subset of the information in court records in electronic form, as is, and without modification or compilation.
- (10) "Compiled Information" means information that is derived from the selection, aggregation or reformulation of some of all or a subset of all the information from more than one individual court record in electronic form.

*Commentary*

*“Case record” refers to records connected with a particular case. It does not include other records maintained by the clerk of court, including, but not limited to, election records, marriage and other license functions; copies of notary bonds; oaths and certificates of public officials other than oaths of judicial officers and attorneys; lists, including those for distressed sales, licensed child placing agencies; reports of perpetual care of cemetery endowment accounts; and certificates of inspection and compliance of chemicals and chemical tests results and certifications of breath test operators; delinquency personal property taxes; hunting and fishing licenses; conflict of interest statements, passports; and the filing of reports from state agencies, such as the Alcohol Licensing Board.*

*The definition of case record is medium neutral and access neutral, and is intended to apply to every case record, regardless of the manner in which it was created, the form(s) in which it is stored, or other form(s) in which the information may exist.*

*An “administrative record” may include, but not be limited to, the roll of attorneys, rosters of medical review panels and group legal services, records relating to elections to the Judicial Nominating Commission, statistical reports, local court rules, jury pool list records, general court orders, budget and expenditure records, and record of receipts of funds. The term “court agency” in subsection (C)(3) includes without limitation the Indiana Judicial Center and the Judicial Conference of Indiana.*

**(D) General Access Rule.**

- (1) A court record is accessible to the public except as provided in sections (G) and (H) of this rule, or as otherwise ordered sealed by the trial court.
- (2) This rule applies to all court records, regardless of the manner of creation, method of collection, form of storage, or the form in which the record is maintained.
- (3) If a court record, or portion thereof, is excluded from public access, there shall be a publicly accessible indication of the fact of exclusion but not the content of the exclusion. This sub-section (3) does not apply to court proceedings or administrative records which are confidential pursuant to law.
- (4) A court may manage access to audio and video recordings of its proceedings to the extent appropriate to avoid substantial interference with the resources or normal operation of the court and to comply with Indiana Judicial Conduct Rule 2.17 [former Canon 3(B)(13)]. This provision does not operate to deny to any person the right to access a court record under Rule 9(D)(1).

*Commentary*

*The objective of this section is to make it clear that this rule applies to information in the court record regardless of the manner in which the information was created, collected or submitted to the court. Application of this rule is not affected by the means of storage, manner of presentation or the form in which information is maintained. To support the general principle of open access, the application of the rule is independent of the technology or the format of the information.*

*Subsection (D)(3) requires that any and all redactions be identified. The phrase “not-public information” or an equivalent designation may be used.*

**(E) Remote Access and Fees.** Courts should endeavor to make at least the following information, when available in electronic form, remotely accessible to the public unless public access is restricted pursuant to sections (G) or (H):

- (1) Litigant/party indexes to cases filed with the court;
- (2) Listings of new case filings, including the names of the parties;
- (3) The chronological case summary of cases;
- (4) Calendars or dockets of court proceedings, including case numbers and captions, date and time of hearings, and location of hearings;
- (5) Judgments, orders, or decrees.

Upon the request and at an amount approved by the majority of judges of courts of record in the county, the County Board of Commissioners may adopt an electronic system fee to be charged in conjunction with electronic access to court records. The fee must be approved by the Division of State Court Administration. In the instance of records from multiple courts, the Supreme Court may adopt such a fee. The method of the fee's collection, deposit, distribution and accounting must be approved by the Indiana State Board of Accounts.

*Commentary*

*In addition to any fees charged under this rule, Sections (C)(9) and (10) provide that courts may charge for the fair market value of bulk and compiled information. This rule does not impose an affirmative obligation to preserve information or data or to transform information or data received into a format or medium that is not otherwise*

*routinely maintained by the court. While this section encourages courts to make the designated information available to the public through remote access, this is not required, even if the information already exists in an electronic format.*

**(F) Bulk Distribution and Compiled Information.**

- (1) Upon written request as provided in this section (F), bulk distribution or compiled information that is not excluded by Section (G) or (H) of this rule may be provided.
- (2) Requests for bulk distribution or compiled information shall be made to the Executive Director of the Division of State Court Administration or other designee of the Indiana Supreme Court. The Executive Director or other designee may forward such request to a court exercising jurisdiction over the records, and in the instance of records from multiple courts, to the Indiana Supreme Court, for further action. Requests will be acted upon or responded to within a reasonable period of time.
- (3) With respect to requests for case record information not excluded from public access by Sections (G) or (H) of this rule, the request for bulk distribution or compiled information may be granted upon determination that the information sought is consistent with the purposes of this rule, that resources are available to prepare the information, and that fulfilling the request is an appropriate use of public resources. The grant of said request may be made contingent upon the requestor paying an amount which the court determines is the fair market value of the information.
- (4) With respect to requests for bulk distribution or compiled information that include information excluded from public access pursuant to Sections (G) or (H) of this rule:
  - (a) such requests must be verified and can only be made by individuals or entities having a substantial interest or a bona fide research activity for scholarly, journalistic, political, governmental, research, evaluation or statistical purposes, and wherein the identification of specific individuals is ancillary to the purpose of the inquiry. Each request under this sub-section (4) must:
    - (i) fully identify the requestor and describe the requestor's interest and purpose of the inquiry;
    - (ii) identify what information is sought;
    - (iii) describe the purpose for requesting the information and explain how the information will benefit the public interest or public education;
    - (iv) explain provisions for the secure protection of any information requested to which public access is restricted or prohibited;
    - (v) provide for individual notice to all persons affected by the release of information, unless, upon prior notice to the Indiana Attorney General and a reasonable opportunity to respond, such individual notice requirement is waived by the Supreme Court;
    - (vi) demonstrate by clear and convincing evidence that the public interest will be served by allowing access, that denying access will create a serious and imminent danger to the public interest, or that denying access will cause a substantial harm to a person or third parties.
  - (b) Upon receiving a request pursuant to this sub-section (F)(4), the Supreme Court may permit objections by persons affected by the release of information, unless individual notice required under (F)(4)(a)(v) is waived by the Supreme Court.
  - (c) The request may be granted only upon determination by the Supreme Court that the information sought is consistent with the purposes of this rule, that resources are available to prepare the information, and that fulfilling the request is an appropriate use of public resources, and further upon finding by clear and convincing evidence that the requestor satisfies the requirements of subsection (F)(4)(a), and that the purposes for which the information is sought substantially outweighs the privacy interests protected by this rule. An order granting a request under this subsection may specify particular conditions or requirements for use of the information, including without limitation:
    - (i) The confidential information will not be sold or otherwise distributed, directly or indirectly, to third parties;
    - (ii) The confidential information will not be used directly or indirectly to sell a product or service to an individual or the general public;
    - (iii) The confidential information will not be copied or duplicated other than for the stated scholarly, journalistic, political, governmental, research, evaluation, or statistical purpose; and
    - (iv) The requestor must pay reasonable costs of responding to the request, as determined by the court.

- (d) When the request includes release of social security numbers, dates of birth, or addresses, the information provided may include only the last four digits of social security numbers, only the year of birth, and only the zip code of addresses. The restrictions on release of social security numbers, dates of birth, and addresses may be waived only upon a petition to the Executive Director of the Division of State Court Administration and a finding of exceptional circumstances by the Indiana Supreme Court.

*Commentary*

*Section (F)(3) authorizes courts, in their discretion, to provide access to bulk distribution and compiled information that is accessible to the public. It does not require that such information be made available. Permitting bulk distribution or compiled information should not be authorized if providing the data will interfere with the normal operations of the court.*

*In allowing bulk or compiled data requests, courts must limit bulk data to court records, even if those requesting this information are seeking other information which is governed by other agencies' policies.*

*Generating compiled data may require court resources and generating the compiled information may compete with the normal operations of the court for resources, which may be a reason for the court not to compile the information. However, it may be less demanding on court resources to instead provide bulk distribution of the requested information pursuant to section (D)(3), and let the requestor, rather than the court, compile the information. Courts may charge for the fair market value of bulk or compiled information provided under Section (F)(3).*

*Section (F)(4) allows only the Supreme Court to grant requests for bulk or compiled information that is excluded from public access and only when the request is made by research and/or governmental entities. The general intent of (F)(4)(d) is that the last four digits of social security numbers and years of birth, rather than entire birth dates and social security numbers, are sufficient for matching records and to ensure that someone is correctly identified in bulk or compiled records. Courts should provide more complete social security numbers or other identifying information only in extraordinary circumstances.*

**(G) Court Records Excluded From Public Access.**

- (1) *Case records.* The following information in case records is excluded from public access and is confidential:
- (a) Information that is excluded from public access pursuant to federal law;
  - (b) Information that is excluded from public access as declared confidential by Indiana statute or other court rule, including without limitation:
    - (i) All adoption records created after July 8, 1941, as declared confidential by Ind. Code § 31-19-19-1 *et. seq.*, except those specifically declared open by Ind. Code § 31-19-13-2(2);
    - (ii) All records relating to chancroid, chlamydia, gonorrhea, hepatitis, human immunodeficiency virus (HIV), Lymphogranuloma venereum, syphilis, tuberculosis, as declared confidential by Ind. Code § 16-41-8-1 *et. seq.*;
    - (iii) All records relating to child abuse as declared confidential by Ind. Code § 31-33-18 *et. seq.*;
    - (iv) All records relating to drug tests as declared confidential by Ind. Code § 5-14-3-4(a)(9);
    - (v) Records of grand jury proceedings as declared confidential by Ind. Code § 35-34-2-4;
    - (vi) Records of juvenile proceedings as declared confidential by Ind. Code § 31-39-1-2, except those specifically open under statute;
    - (vii) All paternity records created after July 1, 1941 as declared confidential by Ind. Code §§ 31-14-11-15, 31-19-5-23, 31-39-1-1 and 31-39-1-2;
    - (viii) All pre-sentence reports as declared confidential by Ind. Code § 35-38-1-13;
    - (ix) Written petitions to permit marriages without consent and orders directing the Clerk of Court to issue a marriage license to underage persons, as declared confidential by Ind. Code § 31-11-1-6;
    - (x) Only those arrest warrants, search warrants, indictments and informations ordered confidential by the trial judge, prior to return of duly executed service as declared confidential by Ind. Code § 5-14-3-4(b)(1);
    - (xi) All medical, mental health, or tax records unless determined by law or regulation of any governmental custodian not to be confidential, released by the subject of such records, or declared by a court of competent jurisdiction to be essential to the resolution of litigation as declared confidential by Ind. Code §§ 16-39-3-10, 6-4.1-5-10, 6-4.1-12-12, and 6-8.1-7-1;

- (xii) Personal information relating to jurors or prospective jurors, other than for the use of the parties and counsel, pursuant to Jury Rule 10;
  - (xiii) Information relating to protection from abuse orders, no-contact orders and workplace violence restraining orders as declared confidential by Ind. Code § 5-2-9-6 *et. seq.*;
  - (xiv) Mediation proceedings pursuant to Alternative Dispute Resolution Rule 2.11, Mini-Trial proceedings pursuant to Alternative Dispute Resolution Rule 4.4(C), and Summary Jury Trials pursuant to Alternative Dispute Resolution Rule 5.6;
  - (xv) Information in probation files pursuant to the Probation Standards promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 11-13-1-8(b);
  - (xvi) Information deemed confidential pursuant to the Rules for Court Administered Alcohol and Drug Programs promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 12-23-14-13;
  - (xvii) Information deemed confidential pursuant to the Problem-Solving Court Rules promulgated by the Judicial Conference of Indiana pursuant to Ind. Code § 33-23-16-16.
  - (xviii) All records of the Department of workforce Development as declared confidential by Ind. Code § 22-4-19-6.
  - (xix) Information regarding interception of electronic communications that is sealed or deemed confidential as set forth in Ind. Code § 35-33.5 *et seq.*
- (c) Information excluded from public access by specific court order;
  - (d) Complete Social Security Numbers of living persons;
  - (e) With the exception of names, information such as addresses, phone numbers, and dates of birth which explicitly identifies:
    - (i) natural persons who are witnesses or victims (not including defendants) in criminal, domestic violence, stalking, sexual assault, juvenile, or civil protection order proceedings, provided that juveniles who are victims of sex crimes shall be identified by initials only;
    - (ii) places of residence of judicial officers, clerks and other employees of courts and clerks of court; unless the person or persons about whom the information pertains waives confidentiality;
  - (f) Complete account numbers of specific assets,, loans, bank accounts, credit cards, and personal identification numbers (PINs);
  - (g) All orders of expungement entered in criminal or juvenile proceedings;
  - (h) All personal notes and e-mail, and deliberative material, of judges, jurors, court staff and judicial agencies, and information recorded in personal data assistants (PDA's) or organizers and personal calendars.
- (1.1) *Court Proceedings Closed to the Public.* During court proceedings that are closed to the public by statute or court order, when information in case records that is excluded from public access pursuant to this rule is admitted into evidence, the information shall remain excluded from public access.
- (1.2) *Court Proceedings Open to the Public.* During court proceedings that are open to the public, when information in case records that is excluded from public access pursuant to this rule is admitted into evidence, the information shall remain excluded from public access only if a party or a person affected by the release of the information, prior to or contemporaneously with its introduction into evidence, affirmatively requests that the information remain excluded from public access.
- (1.3) *Access to Excluded Information.* Access to information excluded from public access under subsections 1.1 and 1.2 may be granted after a hearing pursuant to Administrative Rule 9(I).
- (2) *Administrative records.* The following information in administrative records is excluded from public access and is confidential:
- (a) All information excluded in sub-sections (a) through (h) of section (G)(1);
  - (b) Information that is excluded from public access to the extent provided by Indiana statute or other court rule, including without limitation:
    - (i) the work product of an attorney representing, pursuant to state employment or appointment, a public agency, the state, or an individual, pursuant to Ind. Code § 5-14-3-4(b)(2);

- (ii) test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment before the examination is given or if it is to be given again, pursuant to Ind. Code § 5-14-3-4(b)(3);
  - (iii) test scores of a person if a person is identified by name and has not consented to the release of the person's scores, pursuant to Ind. Code § 5-14-3-4(b)(4);
  - (iv) records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making, pursuant to Ind. Code § 5-14-3-4(b)(6);
  - (v) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal, pursuant to Ind. Code § 5-14-3-4(b)(7);
  - (vi) personnel files of employees and files of applicants for employment, except for the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, and dates of first and last employment of present or former officers or employees of the agency; information relating to the status of any formal charges against the employee; and information concerning disciplinary actions in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged, pursuant to Ind. Code § 5-14-3-4(b)(8);
  - (vii) administrative or technical information that would jeopardize a record keeping or security system, pursuant to Ind. Code § 5-14-3-4(b)(10);
  - (viii) computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it, pursuant to Ind. Code § 5-14-3-4(b)(11);
  - (ix) lists of employees of court, court agency, or clerk offices, which may not be disclosed to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes, pursuant to Ind. Code § 5-14-3-4(c)(1);
  - (x) all information and all records obtained and maintained by the Board of Law Examiners in the performance of its duty pursuant to Admission and Discipline Rule 19, except as otherwise required by court rule or order of the Indiana Supreme Court;
  - (xi) proceedings and papers in attorney disciplinary matters that relate to matters that have not resulted in the filing of a verified complaint, investigative reports and other work product of the Executive Secretary, employees or agents of the Disciplinary Commission, statements of circumstances conditionally agreeing to discipline, and affidavits of resignation or consenting to discipline pursuant to Admission and Discipline Rules 23;
  - (xii) files, records and proceedings of the Continuing Legal Education Commission, as they may relate to or arise out of an attorney, judge, mediator, or sponsor attempting to satisfy continuing legal educational requirements pursuant to Admission and Discipline Rule 29;
  - (xiii) all information, including records obtained by the Judges and Lawyers Assistance Program Committee in the performance of its duty and as delegated by the Indiana Supreme Court, with the exception of statistical data, pursuant to Admission and Discipline Rule 31;
  - (xiv) before the filing and service of formal charges, Judicial Qualifications Commission complaints, inquiries, investigations, or Commission deliberations, settlement conferences and proposed settlement agreements pursuant to Admission and Discipline Rule 25.
- (3) Information in a case record that is otherwise excluded from public access may be made accessible if the information is declared by a court with jurisdiction over the case to be essential to the resolution of litigation, or, if the information is released by each person to whom such information pertains.
- (4) *Appellate Proceedings.* In appellate proceedings pending as of or commencing after January 1, 2009, parties, counsel, the courts on appeal, and the Clerk of the Supreme Court, Court of Appeals, and Tax Court (“Clerk”) shall have the following obligations:
- (a) *Cases in which the entire record is excluded from public access by statute or by rule.* In any case in which all case records are excluded from public access by statute or by rule of the Supreme Court,
    - (i) the Clerk shall make the appellate chronological case summary for the case publicly accessible but shall identify the names of the parties and affected persons in a manner reasonably calculated to provide anonymity and privacy; and

- (ii) the parties and counsel, at any oral argument and in any public hearing conducted in the appeal, shall refer to the case and parties only as identified in the appellate chronological case summary and shall not disclose any matter excluded from public access.
- (b) *Cases in which a portion of the record is excluded from public access by statute or by rule.* In any case in which a portion (but less than all) of the record in the case has been excluded from public access by statute or by rule of the Supreme Court,
  - (i) the parties and counsel shall not disclose any matter excluded from public access in any document not itself excluded from public access; to the extent it is necessary to refer to excluded information in briefs or other documents that are not excluded from public access, the reference shall be made in a separate document filed in compliance with Trial Rule 5(G); and
  - (ii) the parties, counsel, and the Clerk shall have the respective obligations set forth in (a)(i) and (a)(ii) to the extent necessary to comply with the statute or rule.
- (c) *Cases in which any public access is excluded by trial court order.* In any case in which all or any portion of the record in the case has been excluded from public access by trial court order (“TCO”),
  - (i)(A) the appellant shall provide notice in the appropriate place on the Notice of Appeal (see Ind. Appellate Rule 9) that all or a portion of the record in the case has been excluded from public access by TCO, and attach to the appellant's case summary all TCOs concerning each exclusion; and
  - (B) the parties, counsel, and the Clerk shall have the respective obligations set forth in (a)(i), (a)(ii), and (b)(i) to the extent necessary to comply with the TCO.
  - (ii) if the notice and supporting orders referred to in (i)(A) are supplied, then the Clerk shall exclude the information from public access to the extent necessary to comply with the TCO unless the court on appeal determines that
    - (A) the TCO was improper or is no longer appropriate,
    - (B) public disclosure of the information is essential to the resolution of litigation, or
    - (C) disclosure is appropriate to further the establishment of precedent or the development of the law;
  - (iii) any party may supplement or challenge the appellant's notice or attachments supplied under (i)(A) or request a determination from the court on appeal under (ii); and
  - (iv) if the appellant does not notify the court on appeal that all or a portion of the record in the case has been excluded from public access by TCO, and attach to the Notice of Appeal all TCOs concerning each exclusion, as required by (i)(A),
    - (A) the Clerk shall be under no obligation to exclude the information from public access; and
    - (B) the appellant and appellant's counsel shall be subject to sanctions.
- (d) Orders, decisions, and opinions issued by the court on appeal shall be publicly accessible, but each court on appeal should endeavor to exclude the names of the parties and affected persons, and any other matters excluded from public access, except as essential to the resolution of litigation or appropriate to further the establishment of precedent or the development of the law.

#### *Commentary*

*Subsection (1)(a) Federal Law: There are several types of information that are commonly but possibly incorrectly, considered to be protected from public disclosure by federal law. Although there may be restrictions on federal agencies disclosing Social Security Numbers, they may not apply to state or local agencies such as courts. While federal law prohibits disclosure of tax returns by federal agencies or employees, but this prohibition may not extend to disclosure by others. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) and regulations adopted pursuant to it limits disclosure of certain health related information. Whether the limitation extends to state court records is not clear. There are also federal restrictions regarding information in alcohol and drug abuse patient records and requiring confidentiality of information acquired by drug court programs. This rule does not supersede any federal law or regulation requiring privacy or non-disclosure of information.*

*This section does not limit the authority of a judge in a particular case to order the sealing of particular records or to exclude from public access during the pendency of a case motions to suppress or motions otherwise seeking to limit or exclude matters from presentation at a jury trial, and all proceedings and rulings thereon. Such exclusion of public access to pre-trial proceedings should be invoked sparingly and only when the court is convinced that admonitions to prospective jurors and the jury selection process will likely be inadequate to assure a fair trial.*

*The prohibition of access to addresses under this section includes, without limitation, mail and e-mail addresses.*

*With respect to expungement orders excluded from public access under section (G)(1)(g) of this rule, an interested person may seek a copy or other verification of an expungement order by filing a request under section (I) of this rule.*

*In addition to deliberative material excluded under this rule, a court may exclude from public access materials generated or created by a court reporter with the exception of the official transcript.*

*Several state statutes address access to certain confidential court records, including but not limited to Ind. Code § 31-39-2-10 (involving access to juvenile records) and Ind. Code § 16-41-8-1 et seq., (involving procedures for handling medical records of persons accused of a “potentially disease causing offense”). Indiana Administrative Rule 9 and its requirements concerning access to confidential records should guide the actions of judicial officers when considering granting access to records made confidential by statute.*

#### **(H) Prohibiting Public Access to Information in Court Records.**

- (1) A verified written request to prohibit public access to information in a court record, may be made by any person affected by the release of the information. The request shall demonstrate that:
  - (a) The public interest will be substantially served by prohibiting access;
  - (b) Access or dissemination of the information will create a significant risk of substantial harm to the requestor, other persons or the general public;
  - (c) A substantial prejudicial effect to on-going proceedings cannot be avoided without prohibiting public access, or;
  - (d) The information should have been excluded from public access under section (G) of this rule.

The person seeking to prohibit access has the burden of providing notice to the parties and such other persons as the court may direct, providing proof of notice to the court or the reason why notice could not or should not be given, demonstrating to the court the requestor's reasons for prohibiting access to the information. A party or person to whom notice is given shall have twenty (20) days from receiving notice to respond to the request.

- (2) A court may deny a request to prohibit public access without a hearing. If the court does not initially deny the request, it shall post advance public notice of the hearing. A court may grant a request to prohibit public access following a hearing if the requestor demonstrates by clear and convincing evidence that any one or more of the requirements of (H)(1)(a) through (H)(1)(d) have been satisfied. An order prohibiting public access to information in a court record may be issued by the court having jurisdiction over the record. An order prohibiting public access to information in bulk or compiled records, or in records under the jurisdiction of multiple courts may be issued only by the Supreme Court.
- (3) The court shall balance the public access interests served by this rule and the grounds demonstrated by the requestor. In its order, the court shall state its reasons for granting or denying the request. If the court prohibits access, it will use the least restrictive means and duration. When a request is made to prohibit public access to information in a court record at the time of case initiation, the request and the case information will remain confidential for a reasonable period of time until the court rules on the request. When a request is made to prohibit public access to information in court records that are already publicly accessible, the information may be rendered confidential for a reasonable period of time until the court rules on the request.
- (4) This section does not limit the authority of a court to seal court records pursuant to Ind. Code § 5-14-3-5.5.

#### *Commentary*

*This section is intended to address those extraordinary circumstances in which information that is otherwise publicly accessible is to be excluded from public access. This section generally incorporates a presumption of openness, and the need for demonstrating compelling grounds to overcome the presumption.*

*Parties should be aware that their request is not retroactive. Copies of the public record may have been disseminated prior to any request, and corrective action taken under the provisions of this rule will not affect those records.*

*Notice requirements for this section correspond to those requirements found in Trial Rule 65(b) and are intended to be consistent with T.R. 65(b), Posted notice requirements correspond and are intended to be consistent with those found in Ind. Code § 5-14-2-5 which requires that: “[t]he court shall notify the parties of the hearing date and shall notify the general public by posting a copy of the hearing notice at a place within the confines of the court accessible to the general public”.*

**(I) Obtaining Access to Information Excluded from Public Access.**

- (1) A verified written request to obtain access to information in a case or administrative record to which public access is prohibited under this Rule may be made by any person to the court having jurisdiction over the record. The request shall demonstrate that:
  - (a) Extraordinary circumstances exist which requires deviation from the general provisions of this rule;
  - (b) The public interest will be served by allowing access;
  - (c) Access or dissemination of the information creates no significant risk of substantial harm to any party, to third parties, or to the general public, and;
  - (d) The release of information creates no prejudicial effect to on-going proceedings, or;
  - (e) The information should not be excluded for public access under Section (G) of this Rule.

The person seeking access has the burden of providing notice to the parties and such other persons as the court may direct, providing proof of notice to the court or the reason why notice could not or should not be given, demonstrating to the court the requestor's reasons for prohibiting access to the information. A party or person to whom notice is given shall have twenty (20) days from receiving notice to respond to the request.

- (2) A court may deny a request to provide access without a hearing. If the court does not initially deny the request, it shall post advance public notice of the hearing. A court may grant a request to allow access following a hearing if the requestor demonstrates by clear and convincing evidence that the requirements of (I)(1) have been satisfied. An order allowing public access to information excluded from public access may be issued by the court having jurisdiction over the record. An order permitting access to information excluded from public access in bulk or compiled records, or in records under the jurisdiction of multiple courts may be issued only by the Supreme Court.
- (3) A court shall consider the public access and the privacy interests served by this rule and the grounds demonstrated by the requestor. In its order, the court shall state its reasons for granting or denying the request. When a request is made for access to information excluded from public access, the information will remain confidential while the court rules on the request.
- (4) A court may place restrictions on the use or dissemination of the information to preserve confidentiality.

*Commentary*

*This section is intended to address those extraordinary circumstances in which confidential information or information which is otherwise excluded from public access is to be included in a release of information. In some circumstances, the nature of the information contained in a record and the restrictions placed on the accessibility of the information contained in that record may be governed by federal or state law. This section is not intended to modify or overrule any federal or state law governing such records or the process for releasing information.*

*Information excluded from public access that is sought in a request for bulk or compiled records request is governed by section (F) of this rule.*

**(J) When Court Records May Be Accessed.**

- (1) Court records which are publicly accessible will be available for public access in the courthouse during regular business hours established by the court. Court records in electronic form to which the court allows remote access under this policy will be available for access during hours established by the court, subject to unexpected technical failures or normal system maintenance announced in advance.
- (2) Upon receiving a request pursuant to section (F)(4), (H), or (I) of this rule, a court will respond within a reasonable period of time.

*Commentary*

*This section does not preclude or require “after hours” access to court records in electronic form. Courts are encouraged to provide access to records in electronic form beyond the hours access is available at the courthouse, however, it is not the intent of this rule to compel such additional access.*

**(K) Contracts With Vendors Providing Information Technology Services Regarding Court Records.**

- (1) If a court or other private or governmental entity contracts with a vendor to provide information technology support to gather, store, or make accessible court records, the contract will require the vendor to comply with the intent and provisions of this access policy. For purposes of this section, the term “vendor” also includes a state, county or local governmental agency that provides information technology services to a court.

- (2) Each contract shall require the vendor to assist the court in its role of educating litigants and the public about this rule. The vendor shall also be responsible for training its employees and subcontractors about the provisions of this rule.
- (3) Each contract shall prohibit vendors from disseminating bulk or compiled information, without first obtaining approval as required by this Rule.
- (4) Each contract shall require the vendor to acknowledge that court records remain the property of the court and are subject to the directions and orders of the court with respect to the handling and access to the court records, as well as the provisions of this rule.
- (5) These requirements are in addition to those otherwise imposed by law.

*Commentary*

*This section is intended to apply when information technology services are provided to a court by an agency outside the judicial branch, or by outsourcing of court information technology services to non-governmental entities. Implicit in this rule is the concept that all court records are under the authority of the judiciary, and that the judiciary has the responsibility to ensure public access to court records and to restrict access where appropriate. This applies as well to court records maintained in systems operated by a clerk of court or other non-judicial governmental department or agency.*

*This section does not supercede or alter the requirements of Trial Rule 77(K) which requires that, before court records may be made available through the internet or other electronic method, the information to be posted, its format, pricing structure, method of dissemination, and changes thereto must receive advance approval by the Division of State Court Administration.*

**(L) Immunity for Disclosure of Protected Information.**

A court, court agency, or clerk of court employee, official, or an employee or officer of a contractor or subcontractor of a court, court agency, or clerk of court who unintentionally and unknowingly discloses confidential or erroneous information is immune from liability for such a disclosure.

*Commentary*

*This immunity provision is consistent with the immunity and protections provided by Indiana statute as found at IC 5-14-3-10(c).*

**Rule 10. Security of Court Records**

**(A) Court Responsibilities.** Each judge is administratively responsible for the integrity of the judicial records of the court and must ensure that measures and procedures are employed to protect such records from mutilation, false entry, theft, alienation, and any unauthorized alteration, addition, deletion, or replacement of items or data elements.

*Commentary*

*The court is required to preserve the integrity of audio and video recordings of court proceedings. The judge may employ various methods for ensuring the recording is not altered, including but not limited to supervised playback for listening or copying, creating a copy of the recording for use during said playback, serving notice to the parties that the recording is being accessed, and providing a copy, clearly identified as such. As prescribed by Indiana Judicial Conduct Rule 2.17 [former Canon 3(B)(13)], because the court is further required to prohibit broadcasting or televising court proceedings, the court may employ methods to restrict publication of copies of court proceedings made during the pendency of the case.*

**(B) Clerk Responsibilities.** Each Clerk is responsible for the maintenance of court records in a manner consistent with the directives of the Supreme Court of Indiana, judge of court, and other pertinent authority. In all instances, the Clerk of the court must safeguard the integrity and security of all court records in his or her custody and diligently guard against any prohibited practice.

**(C) Prohibited Practices.** The following practices are prohibited and may subject an individual to contempt of court or constitute damage to a public record under IC 35-43-1-2(a):

- (1) Mutilation, vandalism, or theft;
- (2) False entry, unauthorized alterations, additions, or deletions or replacement of item or data elements;
- (3) Alienation or any unauthorized release of court records;
- (4) Use of non-reversible lamination; and
- (5) Use of unauthorized repair procedures on records deemed permanent under Administrative Rule 7.

### **Rule 11. Paper Size**

Effective January 1, 1992, all pleadings, copies, motions and documents filed with any trial court or appellate level court, typed or printed, with the exception of exhibits and existing wills, shall be prepared on 8 1/2 " x 11" size paper. Through December 31, 1991, such papers and records will be accepted on either 8 1/2 " x 11" or 8 1/2 " x 14" size paper.

### **Rule 12. Facsimile Transmission**

**(A) Definitions.** For the purposes of this rule, the definitions set forth in this paragraph shall apply:

- (1) *Cover Sheet* means a descriptive initial page that accompanies an electronic facsimile transmission;
- (2) *Electronic Facsimile Transmission*, commonly referred to as "FAX," means a method of transmitting and receiving information in paper medium over telephone lines or other forms of electronic transmissions;
- (3) *Original Document* means the initially prepared written document or any counterpart intended to have the same effect by the creator; and
- (4) *Duplicate Document* means a written counterpart of the original produced by the same impression as the original or from the same matrix or by digitized electronic transmission, readable by sight, which accurately reproduces the original.

**(B) Filing by Electronic Facsimile Transmission.** In counties where a majority of judges of the courts of record, by posted local rule, have authorized electronic facsimile filing and designated a telephone number to receive such transmissions, pleadings, motions, and other papers may be sent to the Clerk of Circuit Court by electronic facsimile transmission for filing in any case, provided:

- (1) such matter does not exceed ten (10) pages, including the cover sheet;
- (2) such matter does not require the payment of fees other than the electronic facsimile transcription fee set forth in paragraph (E) of this rule;
- (3) the sending party creates at the time of transmission a machine generated log for such transmission; and
- (4) the original document and the transmission log are maintained by the sending party for the duration of the litigation.

**(C) Time of Filing.** During normal, posted business hours, the time of filing shall be the time the duplicate document is produced in the office of the Clerk of the Circuit Court. Duplicate documents received at all other times shall be filed as of the next normal business day.

If the receiving FAX machine endorses its own time and date stamp upon the transmitted documents and the receiving machine produces a delivery receipt which is electronically created and transmitted to the sending party, the time of filing shall be the date and time recorded on the transmitted document by the receiving FAX machine.

**(D) Cover Sheet.** Any document sent to the Clerk of the Circuit Court by electronic facsimile transmission shall be accompanied by a cover sheet which states the title of the document, case number, number of pages, identity and voice telephone number of the sending party and instructions for filing. The cover sheet shall contain the signature of the attorney or party, pro se, authorizing the filing.

**(E) Electronic Facsimile Transmission Fee.** Upon request and at an amount approved by the majority of judges of courts of record in the county, the County Board of Commissioners may adopt an electronic facsimile transmission fee not to exceed ten dollars (\$10.00) per transmission.

**(F) Standards.** Electronic facsimile transmission equipment used by courts and their offices under this rule shall comply with "Group III" level equipment standards established by the CCITT (Consultative Committee International Telegraph and Telephone of the International Telecommunications Union), which provides standards for operating speed and image resolution available for use over public telephone networks. Pleadings and papers filed by electronic facsimile transmission shall be letter size.

### **Rule 13. [Vacated]**

### **Rule 14. Use of Telephone and Audiovisual Telecommunication**

**(A) Authority.** A trial court may, in its discretion, use telephone or audiovisual telecommunication pursuant to the provisions of this rule as follows:

- (1) A trial court may use telephone or audiovisual telecommunication to conduct:
  - (a) Pre-trial conferences;
  - (b) Proceedings where only the attorneys are present;

- (c) Proceedings during a declared emergency under Ind. Administrative Rule 17; and,
  - (d) Proceedings where a party or witness is unavailable due to quarantine.
- (2) A trial court may use audiovisual telecommunication to conduct:
- (a) Initial hearings pursuant to IC 35-33-7-1, 3, 3.5, 4 and 5, including any probable cause hearing pursuant to IC 35-33-7-2; determination of indigence and assignment of counsel pursuant to IC 35-33-7-6; amount and conditions of bail pursuant to IC 35-33-7-5(4), 35-33-8-3.1 and 4; and the setting of omnibus date pursuant to IC 35-36-8-1;
  - (b) The taking of a plea of guilty to a misdemeanor charge, pursuant to IC 35-35-1-2;
  - (c) Sentencing hearings pursuant to IC 35-38-1-2 when the defendant has given a written waiver of his or her right to be present in person and the prosecution has consented;
  - (d) Post-conviction hearings pursuant to Ind. Post-Conviction Rule 1(5), with the written consent of the parties;
  - (e) Preliminary hearings in mental health emergency detention proceedings pursuant to IC 12-26-5-10;
  - (f) Review hearings in mental health commitment proceedings pursuant to IC 12-26-15-2;
  - (g) When a child is alleged to be a delinquent child, for a detention hearing pursuant to IC 31-37-6 or a periodic review hearing pursuant to IC 31-37-20-2;
  - (h) When a child is alleged to be a child in need of service, for a detention hearing pursuant to IC 31-34-5 or a periodic review hearing pursuant to IC 31-34-21-2.

**(B) Other Proceedings.** In addition, in any conference, hearing or proceeding not specifically enumerated in Section (A) of this rule, with the exception of criminal proceedings involving the right of confrontation or the right to be present, a trial court may use telephone or audiovisual communications subject to:

- (1) the written consent of all the parties, entered on the Chronological Case Summary; or
- (2) upon a trial court's finding of good cause, upon its own motion or upon the motion of a party. The following factors shall be considered in determining "good cause":
  - (a) Whether, after due diligence, the party has been unable to procure the physical presence of the witness;
  - (b) Whether effective cross-examination of the witness is possible, considering the availability of documents and exhibits to counsel and the witness;
  - (c) The complexity of the proceedings and the importance of the offered testimony in relation to the convenience to the party and the proposed witness;
  - (d) The importance of presenting the testimony of the witness in open court, where the fact finder may observe the demeanor of the witness and impress upon the witness the duty to testify truthfully;
  - (e) Whether undue surprise or unfair prejudice would result; and
  - (f) Any other factors a trial court may determine to be relevant in an individual case.
- (3) A party or a trial court if it is acting on its own motion must give notice of the motion to use telephone or audiovisual telecommunication as follows:
  - (a) Any motion for testimony to be presented by telephone or audiovisual telecommunication shall be served not less than thirty (30) days before the time specified for hearing of such testimony;
  - (b) Opposition to a motion for testimony to be presented by telephone or audiovisual telecommunication shall be made by written objection within seven (7) days after service;
  - (c) A trial court may hold an expedited hearing no later than ten (10) days before the scheduled hearing of such testimony to determine if good cause has been shown to present testimony by telephone or audiovisual telecommunication;
  - (d) A trial court shall make written findings of fact and conclusions of law within its order on the motion for testimony to be presented by telephone or audiovisual telecommunication; and
  - (e) For cause found, a trial court may alter the time deadlines set forth in paragraphs (a) through (c) upon motion made prior to the expiration of the time for the required action.

**(C) Facilities and Equipment.** In relation to any hearing or proceeding conducted under this rule, the court shall assure that:

- (1) The facility and equipment provide counsel with the ability to confer privately with an out of court party, or with other counsel, off the record, before, during, and immediately following the hearing or proceeding. Mental health care providers, employees of the Indiana Family and Social Services Administration and its county offices of Family and Children, and county probation officers who appear as witnesses are not parties for the purposes of this section.
- (2) When using telephonic and audiovisual telecommunication:
  - (a) All participants are able to fully view and/or converse with each other simultaneously.
  - (b) The facilities have the capacity for contemporaneous transmission of documents and exhibits.
  - (c) Audiovisual images are in color and monitor screens are of sufficient quality, design, and architecture as to allow all parties to observe the demeanor and non-verbal communication of the other parties.
  - (d) The telephonic or audiovisual transmission is of sufficient quality, design, and architecture to allow easy listening and/or viewing of all public proceedings.
  - (e) The use of telephonic or audiovisual technology in conducting hearings and proceedings shall in no way abridge any right of the public.
- (3) Application may be made to the Indiana Supreme Court, through the Division of State Court Administration, for approval of a plan that uses alternative procedures and technology that meet the intent and objective of this rule.
- (4) The confidentiality accorded to attorney-client communications, and all other privileges applicable under Indiana law, apply.

### **Rule 15 Court Reporters**

- A. Application of Rule.** All courts of record in each county of the State of Indiana shall adopt for approval by the Indiana Supreme Court a local rule by which all court reporter services shall be governed. Should a county fail to adopt such a plan, the Supreme Court shall prescribe a plan for use by the county. The local rule shall be in substantial compliance with the provisions of this rule.
- B. Definitions.** The following definitions shall apply under this administrative rule:
  - (1) A **Court reporter** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
  - (2) **Equipment** means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
  - (3) **Work space** means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
  - (4) **Page** means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.
  - (5) **Recording** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
  - (6) **Regular hours worked** means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court and county to county, but remain the same for each work week.
  - (7) **Gap hours worked** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.
  - (8) **Overtime hours worked** means those hours worked in excess of forty (40) hours per work week.
  - (9) **Work week** means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
  - (10) **Court** means the particular court for which the court reporter performs services. Depending upon the county, Court may also mean a group of courts; i.e. "X County Courts".
  - (11) **County indigent transcript** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

- (12) **State indigent transcript** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) **Private Transcript** means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

**C. Court Reporter Models.** The court or courts of each county shall uniformly adopt by local court rule one of the following Court Reporter Models:

- (1) *Model Option One.* The local rule shall:
  - (a) designate that a court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours or overtime hours;
  - (b) designate a per page fee for county indigent transcript preparation;
  - (c) designate that the court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript;
  - (d) designate a maximum per page fee that the court reporter may charge for a state indigent transcript;
  - (e) designate a maximum per page fee that the court reporter may charge for a private transcript;
  - (f) require the court reporter to report at least on an annual basis to the Indiana Supreme Court Division of State Court Administration, on forms prescribed by the Division, all transcript fees (either county indigent, state indigent, or private) received by the court reporter;
  - (g) designate that if a court reporter elects to engage in private practice through recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
    - (1) the reasonable market rate for the use of equipment, work space and supplies;
    - (2) the method by which records are to be kept for the use of equipment, work space and supplies;
    - (3) the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies;
  - (h) designate that if a court reporter elects to engage in private practice through recording a deposition and/or the preparing of a deposition transcript, that such private practice shall be conducted outside of regular working hours; and
  - (i) designate that the court shall enter into a written agreement with the court reporter which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. either monetary compensation or compensatory time off regular work hours.
- (2) *Model Option Two.* The local rule shall:
  - (a) designate that a court reporter shall be paid an annual salary for time spent working under the control, direction and direct supervision of the court during any regular work hours, gap hours or overtime hours;
  - (b) designate that subject to the approval of each county's fiscal body, the amount of the annual salary shall be set by the court;
  - (c) designate that the annual salary paid to the court reporter shall be for a fixed schedule of regular working hours;
  - (d) designate that a court reporter shall, if requested or ordered, prepare any transcript during regular working hours;
  - (e) designate that in the event that preparing a transcript cannot be completed during regular hours worked, a court reporter shall be entitled to additional compensation beyond regular salary under one of the two options set forth as follows:
    - (1)(a) Gap hours shall be paid in the amount equal to the hourly rate of the annual salary; and
    - (b) Overtime hours shall be paid in the amount of one and one-half (1 1/2) times the hourly rate of the annual salary; or,
    - (2)(a) Compensatory time off from regular work hours shall be given in the amount equal to the number of gap hours worked; and

- (b) Compensatory time off from regular work hours shall be given in the amount of one and one-half (1 1/2) times the number of overtime hours worked;
  - (f) designate that the court and each court reporter may freely negotiate between themselves as to which of the preceding two (2) options in (e) shall be utilized and that the court and court reporter shall enter into a written agreement designating the terms of such agreement;
  - (g) designate that if a court reporter elects to engage in private practice through recording a deposition and/or preparing a deposition transcript, that such private practice shall be conducted outside of regular working hours;
  - (h) designate that if a court reporter elects to engage in private practice through recording a deposition and/or preparing a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of court equipment for such purposes, the court and the court reporter shall enter into a written agreement which must at a minimum designate the following:
    - (1) the reasonable market rate for the use of equipment, work space and supplies;
    - (2) the method by which records are to be kept for the use of equipment, work space and supplies;
    - (3) the method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
  - (i) designate a maximum per page fee that a court reporter may charge for private practice work;
  - (j) designate a maximum per page fee that the court reporter may charge for a private transcript; and
  - (k) require the court reporter to report at least on an annual basis to the State Court Administrator all transcript fees (either county indigent, state indigent or private) received by the court reporter.
- (3) *Model Option Three.* The court(s) may, by adopting a local rule to that effect, elect to procure all court reporter services by private contract and submit such contract for approval by the Indiana Supreme Court in accordance with Section A of this rule. Any such procedure must conform with all applicable state and local statutes, rules and regulations.

**Rule 16. Electronic Filing and Electronic Service Pilot Projects**

**(A) Definitions.** The following definitions shall apply to this rule:

- (1) *E-Filing System.* An E-filing system is a system approved by the Indiana Supreme Court for filing and service of pleadings, motions and other papers (“documents”) or information via an electronic means such as the Internet, a court-authorized remote service provider, or through other remote means to and from the trial court's case management system.
- (2) *Electronic Filing.* Electronic filing (“E-filing”) is a method of filing court documents or information with the Clerk of the Court by electronic transmission utilizing the E-filing system.
- (3) *Electronic Service.* Electronic service (“E-service”) is a method of serving documents or information by electronic transmission on any User in a case via the E-filing system.
- (4) *User Agreement.* A user agreement is an agreement that establishes obligations and responsibilities of the User and the Court and provides guidelines for proper use of the E-filing system.
- (5) *User.* A User is an individual that has received authorization from the trial court administering an E-filing system to use that E-filing system by remote access.

**(B) Approval.** Courts wishing to establish an electronic filing or an electronic service pilot project pursuant to these rules must submit a written request for approval and a plan to the Division of State Court Administration. The Division shall define the necessary elements of the plan. At a minimum, the plan must state if and how the system is compatible with the clerk's office and other court users, if it is accessible to the public, if it is accessible to self-represented litigants, if and what sort of fees will be charged, and all technical details relevant to the approval process. The plan must also include a process for archival record retention that meets the permanent and other record retention requirements of the Indiana Rules of Court.

**(C) User Agreements.** The User Agreement must be approved by the Division of State Court Administration. The User and the Court must execute the User Agreement before the User may use the E-filing system. The User must file the executed User Agreement, and the clerk must note the filing of the agreement on the Chronological Case Summary (CCS) and enter it into the Record of Orders and Judgments (RJO) of the case in which the User is appearing. In the User Agreement, the User must agree to receive service of Documents through the E-filing system. In the User Agreement, the Court shall issue to the User distinct remote access with a unique password and user identification. The trial court may enter into a User Agreement with any attorney licensed to practice law in Indiana, an individual

designated pursuant to Ind. Small Claims Rule 8(C) to appear for a corporation, partnership or sole proprietorship in small claims cases, and with any party in a particular case.

- (D) **Fees.** Upon the request and at an amount approved by the majority of judges of courts of record in the county, the County Board of Commissioners may adopt, in accordance with Ind. Administrative Rule 9(E), an electronic system fee to be charged in conjunction with the use of the E-filing system. The fees must be included in the User Agreement and in the plan submitted pursuant to section (B) of this rule.
- (E) **Signature.** The filing of documents and information through the E-filing system by use of a valid username and password is presumed to have been authorized by the User to whom that username and password have been issued and documents filed through the E-filing system are presumed to have been signed by the same User.
- (F) **Commencement of an Action.** An action may be commenced by E-filing only in a court which has adopted a pilot project plan approved by the Division of State Court Administration pursuant to this rule.
- (G) **Time of Filing.** Documents or information may be filed through an E-filing system at any time. Documents or information filed through the E-filing system are deemed filed as of the time shown on the time stamp issued by the E-filing system.
- (H) **Original Document.** Until such time that a Court implements a process approved by the Division of State Court Administration for the permanent retention of electronically transmitted, served or maintained documents, the Court must maintain a traditional paper copy of all electronic documents required to be maintained pursuant to the Indiana Rules of Court in the medium required. Upon the approval by the Division of State Court Administration of a permanent record retention process for electronically filed and served documents, a Document filed or served through an E-filing system shall be deemed an original record. Attorneys and self-represented parties must retain signed copies of such electronically filed documents and, upon the Court's request, must provide such documents to the Court.
- (I) **Request for Changes to the System.** A Court authorized to administer an E-filing system must seek approval from the Division of State Court Administration for any changes to the E-filing system that the Court wishes to implement after the initial approval.

#### **Appendix. The Necessary Elements of a Proposed Plan to Implement Electronic Filing or An Electronic Service Pilot Project Pursuant to Administrative Rule 16**

Pursuant to Administrative Rule 16(B), the following provisions relate to the necessary elements required in any written request for approval of an electronic filing or an electronic service pilot project. The Division of State Court Administration may modify these provisions at any time.

#### **I. Definitions**

- (a) "Filing User" refers to attorneys who have an electronic case filing log-in and password to file documents electronically, or the agent an attorney has expressly designated to make a filing on his or her behalf.
- (b) "Electronic Case Filing System" (ECF) refers to the court's system that receives in electronic form documents or information via the Internet, a court-authorized remote service provider, or through other remote means to and from the trial court's case management system.
- (c) "Notice of Electronic Filing" refers to the notice that is automatically generated by the Electronic Case Filing System at the time a document is filed with the system, setting forth the time of filing, the name of the party and attorney filing the document, the type of document, the text of the docket entry, and the name of the attorney(s) receiving the notice.
- (d) "Archival Retention" refers to permanent records retention pursuant to Administrative Rule 7.
- (e) "Registration" refers to the execution of the User Agreement (see below) by a Filing User.

#### **II. Elements**

A proposed plan submitted pursuant to Administrative Rule 16(B) must contain the following elements:

##### **A. System Compatibility**

A detailed description of how the proposed system is compatible with the clerk's office and the current technology in use in the court and court offices.

##### **B. User Hardware and Software Requirements**

The specific hardware and software users will need to electronically file documents and information and receive notice of case activity.

##### **C. System Users**

An identification of other court users, including the public, and a description of how the proposed system would be compatible with their use. Any proposed system must allow members of the public to view electronic and hard copy documents, unless they are deemed confidential by statute, court rule, or court order.

**D. Eligible Cases**

A description of what cases may be filed electronically, what cases must be filed electronically and what cases cannot be filed electronically.

**E. Fees**

What fees will be charged, if any, including those applicable to filing, serving, viewing and/or copying court documents. Proposals also must include a discussion of how fees will be collected and a comparison of the proposed fees to the existing (pre-electronic) fee structure. All fees must comply with the provisions of Administrative Rule 16(D).

**F. Document Preservation**

A description of the process for archival retention that satisfies permanent records retention and other requirements of the Indiana Rules of Court.

**G. Local Rules**

Any proposed local rules that the court intends to adopt to aid in the implementation of the Plan or the ECF.

**H. Forms**

Any forms that the court has developed to aid in the implementation of the Plan or the ECF, such as:

Attorney Registration Form

Notice of Manual Filing

Notice of Signature Endorsement

Declaration that Party Was Unable to File in a Timely Manner Due to Technical Difficulties.

Notice of Filing Sealed/Confidential Document Manually

**I. Security**

The measures that the court or its vendor would employ to protect the security of the ECF.

**J. Proof of Service**

A detailed description of how the system will accomplish service of process pursuant to Trial Rule 5 through electronic means. Return receipt email will not be considered adequate proof of service of process. In addition, the plan must describe how the court and other users may verify the service in the future.

**K. Legal XML Compliance**

A description of how the system will comply with the Legal XML E-Filing Standard. Compliance with this standard will help ensure compatibility with the future statewide CMS.

**L. Proposed User Agreement(s), Forms, Other Documents**

A sample of the proposed User Agreement(s) required by Administrative Rule 16(C), accompanied by a detailed description its components, the procedure for its use and the method by which the unique password and user identification will be assigned. In addition, any forms and other generic documents to be incorporated must be provided.

**M. A proposed Implementation Plan and Schedule**

A detailed description of when and how the Plan and system will be implemented, including anticipated training arrangements.

**N. Accessibility by Self-Represented Litigants**

A detailed description of whether self-represented litigants are permitted to use the system, and if so, how they will be accommodated. In addition, the plan must describe how documents filed in hard copy by self-represented litigants will be served to the other parties.

**O. Performance Measurements**

A detailed description of how the Court will determine if the pilot project meets expectations. These measurements may be a combination of reports and user queries. Some examples may be the equivalent of "comment cards" sent to the users and returned to the Court, error reporting by the user when he or she encounters a difficulty, the error being returned to the court, reports of downtime (maintenance) and system

failures (i.e. crash) monthly or quarterly, and routine reviews by the system administrator for feature or software upgrades.

### **III. Content/Substantive Requirements**

In addition to the elements outlined above, any proposed Plan shall include the following content:

#### **A. Eligible Users**

Attorneys admitted to the Indiana bar and in good standing are eligible to register as Filing Users of a court's Electronic Case Filing system. Registration via the User Agreement should require the Filing User's name, address, telephone number, Internet e-mail address, and a declaration that the attorney is admitted to the bar. Filing Users must notify the clerk of the court in writing within 30 days of any change of address, electronic or otherwise.

#### **B. Registration Obligations**

Registration as a Filing User constitutes consent to electronic service of all documents in accordance with the Indiana Rules of Court. Filing Users must agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised.

#### **C. Public Accessibility**

Members of the public may review at the clerk's office filings that have not been sealed by the court. A person who has system access may retrieve docket sheets and documents. Only a Filing User may file documents and information electronically.

#### **D. General Format Requirements**

Formatting requirements for all documents filed electronically must comply with the format and procedures set forth in the Indiana Rules of Court and the local rules for the county in which the electronic filing occurs. (If the court intends to create local rules specifically applicable to electronic filing, a copy of such proposed local rules must be included with the proposed plan).

#### **E. Initial Pleadings**

With the exception of cases involving infractions, the initial pleading and accompanying documents, including the complaint and service of the summons, must be served in the traditional manner on paper. The plan must describe the method by which proof of service of process pursuant to Trial Rule 4 will be reflected on the electronic docket. In the event a case is initiated electronically, the plan shall include a description of the method by which the relevant filing and service fees are collected and remitted to the Clerk's office.

#### **F. Appearance**

The filing of a Notice of Appearance shall act to establish the filing attorney as an attorney of record representing a designated party in a particular cause of action.

#### **G. Format of Attachments and Exhibits**

Filing Users must submit in electronic form all documents referenced as exhibits or attachments, except as specifically permitted by court rule or order.

Exceptions to the electronic filing requirement include the following documents:

- a. Exhibits in a format that does not readily permit electronic filing, such as videotapes, x-rays and similar materials;
- b. Paper documents that are illegible when scanned into PDF format; and
- c. Documents filed under seal or information not for public access as defined in Administrative Rule 9(G)(1).

Such components shall not be filed electronically, but instead shall be manually filed on paper with the clerk, and served upon the parties in accordance with the applicable Indiana Rules of Court and local rules for filing and service of non-electronic documents. Parties making a manual filing of a component must file electronically, in place of the manually filed component, a Notice of Manual Filing setting forth the reason(s) why the component cannot be filed electronically. The manually filed component must be presented to the clerk within 24 hours after the electronic submission of the Notice of Manual Filing. A paper copy of the electronically filed Notice of Manual Filing must accompany the component at the time of manual filing.

#### **H. Certificate of Service**

A certificate of service, if required by the Rules of Trial Procedure, must be included with all documents and information filed electronically. The certificate shall indicate that service was accomplished pursuant to the

court's electronic filing procedures. The party effectuates service on all registered parties by filing electronically. Those parties or attorneys who have been permitted by the court to be exempt from the electronic filing requirement must be provided the documents in paper form in accordance with the Indiana Rules of Court.

#### **I. Electronic Copies and Electronic File-Stamps**

When a document or information is filed electronically, the official record is the electronic recording of the document as stored by the court. The system will generate a Notice of Electronic Filing, which will be transmitted via e-mail to the filer and all attorneys of record in the matter. The Notice of Electronic Filing serves as the court's date-stamp and proof of filing.

#### **J. Password Serves as Signature**

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User. A Filing User has responsibility for all transactions under his or her password and is obligated to notify the clerk if his or her password is compromised.

The log-in and password required to submit documents and information to the Electronic Case Filing System shall serve, in part, as the Filing User's signature on all electronic documents filed with the Court, and as the Filing User's authorization for filing information with the Court. They also serve as a signature for purposes of the Indiana Rules of Court, the local rules of the court, and any other purpose for which a signature is required in connection with proceedings before a court.

#### **K. Signatures Other Than Filing User**

Documents requiring signatures for two or more parties represented by different counsel must be electronically filed either by: (a) representing the consent of the other attorney(s) on the signature line where the other attorney's handwritten signature would otherwise appear; (b) identifying in the signature block attorneys whose signatures are required and by the submission of a notice of endorsement by the other attorneys no later than three business days after filing; (c) submitting a scanned document containing all necessary signatures; or (d) in any other manner approved by the court.

#### **L. Filing Consequences**

Electronic transmission of a document or information to the Electronic Case Filing System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document or information for all purposes of the Indiana Rules of Court and the local rules of the court, and constitutes entry of the filing on the court's docket. When a document or information has been filed electronically, the official record is the electronic recording of the document or information as stored by the court, and the filing party is bound by the document or information as filed.

Filing a document or information electronically does not alter the filing deadline for that document or information. Filing must be completed before midnight local time of the court in order to be considered timely filed that day.

When a document or information is filed electronically, the court's system must generate a Notice of Electronic Filing, which will be transmitted via e-mail to the filer and all attorneys of record in the matter who are Filing Users. The party submitting the filing should retain a paper or electronic copy of the Notice of Electronic Filing, which serves as the court's date-stamp and proof of filing. Transmission of the Notice of Electronic Filing to an attorney's registered e-mail address constitutes service upon the attorney. Only the Notice of Electronic Filing, generated and transmitted by the court's system, is sufficient to constitute electronic service of an electronically filed document. Those parties or attorneys who have been permitted by the court to be exempt from the electronic filing requirement must be provided notice of the filing in paper form in accordance with the Indiana Rules of Court.

#### **M. Sealed Documents**

The provider of the electronic filing system must certify a level of security for sealed documents that demonstrates the ability to comply with the Indiana Rules of Court, especially Administrative Rule 9. The party filing a sealed document also must electronically file a Notice of Manual Filing. No document will be maintained under seal in the absence of an authorizing statute, court rule, or court order.

#### **N. Court Orders**

Immediately upon the entry of an order or judgment in an action assigned to the Electronic Filing System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Indiana Rule of Trial Procedure 77(D). If a party is not represented by at least one attorney who is a Filing User, the court must give notice in paper form in accordance with the Indiana Rules of Court.

## **O. Technical Difficulties**

Parties are encouraged to file documents and information electronically during normal business hours, in case a problem is encountered. In the event a technical failure occurs, and despite the best efforts of the filing party a document or information cannot be filed electronically, the party should print (if possible) a copy of the error message received. In addition, as soon as practically possible, the party should file a Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties.

If a party is unable to file electronically and, as a result, may miss a filing deadline, the party must contact the designated Electronic Filing System Administrator. If a party misses a filing deadline due to an inability to file electronically, the party may submit the untimely-filed document, accompanied by a declaration stating the reason(s) for missing the deadline. The document and declaration must be filed no later than 12:00 noon of the first day on which the court is open for business following the original filing deadline.

## **P. Retention of Documents in Cases Filed Electronically**

Filing Users must retain signed copies of electronically filed documents until two (2) years after all time periods for appeals expire. Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form. On request of the court, the Filing User must provide original documents for review.

Originals of documents filed electronically which require scanning (e.g. documents that contain signatures, such as affidavits) must be retained by the filing party and made available, upon request, to the Court and other parties for a period of two years following the expiration of all time periods for appeals.

## **Q. Entry of Court Orders**

All signed orders must be filed electronically by the court or court personnel. All orders, decrees, judgments, and proceedings of the court filed electronically will constitute entry on the court's docket. A hardcopy version of all judgments shall be entered in the Court's Record of Judgments and Orders, pursuant to Trial Rule 77(D).

## **IV. Exemption Requests**

Any court tendering a Plan for approval may seek exemption from including or complying with one or more of the elements or content requirements specified in this Appendix by identifying:

- (1) The specific requirement from which the applying court seeks to be exempted;
- (2) The basis for seeking the exemption; and
- (3) What the applying court shall do in lieu of or to serve the underlying purpose of the specified requirement.

The Division of State Court Administration shall consider Requests for Exemption from the specifications of this Appendix on a case-by-case basis. In the event that the Request for Exemption is denied, such determination shall not preclude approval of the remainder of a court's tendered Plan.

## **Rule 17. Emergency petition for Administrative orders**

- (A) Supreme Court Authority. Under the authority vested in the Indiana Supreme Court to provide by rule for the procedure employed in all courts of this state and the Court's inherent authority to supervise the administration of all courts of this state, the Court has the power upon petition from any trial court as set forth herein, or sua sponte, in the event of natural disaster, civil disobedience, wide spread disease outbreak, or other exigent circumstances requiring the closure of courts or inhibiting the ability of litigants and courts to comply with statutory deadlines and rules of procedure applicable in courts of this state, to enter such order or orders as may be appropriate to ensure the orderly and fair administration of justice. This order shall include, without limitation, those rules and procedures affecting time limits currently imposed for speedy trials in criminal and juvenile proceedings, public health, mental health, appellate, and all other civil and criminal matters.

The Court also may authorize any petitioning court to move its location from its statutory location to any location the Court deems appropriate, and the Court may authorize any judge of a Circuit or Superior Court to exercise general jurisdiction over any civil or criminal matter.

**Appendix 17A**  
Sample Administrative Rule 17 Petition

[Rich Text Format \(rtf\)](#)

- (B) Trial court petition. When it becomes apparent to the local trial court(s) that an emergency exists, the local trial court(s) shall:

1. Confer with the clerk, bar representative and local official, as the trial court(s) deem necessary and appropriate.
2. Petition the Supreme Court for emergency relief stating: the emergency, the effect it is having or will have on the local administration of justice, the anticipated duration, and any additional information that would aid the Court in its decision making process.
3. Submit the trial court's plan for all civil and criminal matters during the emergency.

The petition shall be filed with the Clerk of the Court, with a copy provided to the Division of State Court Administration. The Division of State Court Administration shall create form petitions available for trial court use.

- (C) When the Supreme Court determines that the petition is made for good cause shown, the Supreme Court may promptly issue an administrative order addressing the emergency on such terms and conditions as it deems appropriate.

### **Rule 18. County Probation Departments**

- (A) **Application of Rule.** The courts of record in a county that are authorized to impose probation shall adopt a plan by which the county will operate a unified or consolidated probation department.
- (B) The management and governance of the department and any divisions within the department is to be determined by the supervising judge, and may include arrangements on who shall have the authority to appoint probation officers, assign probation officers to a particular court, and remove probation officers.
- (C) **Definitions.** The following definitions shall apply under this administrative rule:
- (1) **Chief probation officer** means a probation officer designated to direct and supervise the work of the probation department.
  - (2) **Separate juvenile probation department** means a probation department established before January 1, 2010, with a chief probation officer that supervises only juvenile probation officers and probation officers that supervise only juvenile offenders.
  - (3) **Supervising judge** means the judge, judges, board of judges, or chief judge responsible for the governance/oversight of the probation department.
  - (4) **Unified or Consolidated probation department** means a single, county-funded probation department that is directed by a single chief probation officer. A unified or consolidated probation department may contain separate divisions such as felony, misdemeanor, adult, juvenile, Court Alcohol & Drug, or pre-trial divisions.
- (D) **Annual Certification Reports.** A report certifying that a county has adopted a plan for a unified or consolidated probation department, or has adopted a plan for a unified or consolidated adult probation department and a separate juvenile probation department, shall be filed with the Indiana Judicial Center by March 1 annually. The annual report shall be submitted on a form drafted by the Indiana Judicial Center and shall also include certification of department compliance with education and salary standards for probation officers.
- (E) **Judge's Confirmation of Reporting.** The supervising judge of the unified or consolidated probation department shall review and confirm, through a process established by the Indiana Judicial Center, the completion and filing of the annual certification report.
- (F) **Plan for Unified or Consolidated Probation Department.**
- (1) **Counties in which only one court of record is authorized to impose probation.** Counties in which only one court of record is authorized to impose probation shall certify to the Indiana Judicial Center by October 1, 2011 that the county operates a unified or consolidated probation department.
  - (2) **Counties in which more than one court of record is authorized to impose probation.** Counties in which more than one court of record is authorized to impose probation shall certify to the Indiana Judicial Center that the county operates a unified or consolidated probation department or file an initial plan for the implementation of a unified or consolidated probation department by October 1, 2011. The initial plan shall be filed with the Indiana Judicial Center and shall consist of information on, including but not limited to, judicial governance/oversight of the probation department, any assignment of probation officers to a specific court or division, any divisions created within the consolidated department (such as circuit, superior, felony, misdemeanor, adult, juvenile, Court Alcohol & Drug, pre-trial or any other divisions agreed upon by the supervising judges), judicial oversight of any divisions within the department, appointment of a chief probation officer, appointment of assistant chief probation officers/supervisors

assigned to a specific court or division, and probation officer salaries. The plan must be implemented by January 1, 2012. An extension for filing the plan and implementation may be granted at the discretion of the Judicial Conference Board of Directors for good cause shown. Any amendments to the initial plan after the implementation date shall be reported in the annual certification report.

**(3) Counties in which the circuit, superior, or probate court has established a separate juvenile probation department.** Counties in which the circuit, superior, or probate court has established a separate juvenile probation department before January 1, 2010, may elect to operate a unified or consolidated adult probation department and a separate juvenile probation department. These counties shall certify to the Indiana Judicial Center by October 1, 2011 that the county operates a unified or consolidated adult probation department and a separate juvenile probation department.

**(4) Review and Approval of Plans.** The Judicial Conference shall review plans submitted pursuant to standards adopted by the Conference. The Judicial Conference may approve the plan in whole or in part, may modify the plan, or deny the plan in whole or in part. If the Judicial Conference denies a plan in whole or in part, the Judicial Conference may require all or part of the plan to be resubmitted and may approve or reject the resubmitted plan in whole or in part. Should a county fail to submit a plan for review, the Judicial Conference may prescribe a plan for use by the county.

**(G) Preparation of Forms.** The Indiana Judicial Center shall draft forms to be used in filing initial plans, certification reports, and annual reports.