

In the  
**Indiana Supreme Court**

Cause No. 94S00-1701-MS-5



**Order**

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Administrative Rules are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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

**(A) Preparation of Forms.** The ~~Division of State Court Administration (Division)~~Indiana Office of Judicial Administration (IOJA), 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~~IOJA 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 (IOJA)~~ no later than ten (10) calendar days after the end of the reporting period in electronic format as established by the ~~Division~~IOJA.
- (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.
    - (i) For crimes committed on or before June 30, 2014 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.

- (ii) For crimes committed on or after July 1, 2014 the case shall be designated as a MR--Murder, F1--Level 1 Felony, F2--Level 2 Felony, F3--Level 3 Felony, F4--Level 4 Felony, F5--Level 5 Felony, F6--Level 6 Felony, CM--Criminal Misdemeanor, MC--Miscellaneous Criminal, or IF--Infraction.
  - (iii) 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 and shall be counted as one case on the quarterly case status report.
- (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.
  - (d) Guardianship Cases. The clerk shall assign a separate case number to each individual, adult or juvenile, who is subject to an application to establish a Guardianship - GU case. Each guardianship case number shall be counted as a case on the court's quarterly case status report. Notwithstanding the separate case number requirement set forth above, in situations in which a guardianship is sought for two (2) or more minors or incapacitated persons who are children of a common parent, parent and child, or husband and wife, only a single probate filing fee shall be charged as provided by I.C. 29-3-5-6 and the applications may be joined for hearing.

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

- (1) All probation officers or probation departments shall compile and prepare reports on the information required by I.C. 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~~ IOJA no later than ten (10) calendar days after the end of the reporting period, in electronic format as established by the ~~Division~~ IOJA.

(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~~ IOJA, the completion and filing of all reports.

**(E) County and Judicial District Caseload Plans.** The ~~judges of the~~ courts of record in ~~a~~each county shall, by a local rule, ~~develop and~~ implement a caseload allocation plan for the county that ensures an even distribution of judicial ~~workload~~ caseloads among the ~~judges of the~~ courts of record in the county. ~~The judges of the courts of record in each judicial district (established by Administrative Rule 3) may, by local rule, develop a district caseload allocation plan that allows for the efficient adjudication of cases within the district. Counties may elect, by approved local rule, to provide that a judicial officer of a court of record within a county or district may serve as acting judge in another court in that county or district. Jurisdiction in the acting judge shall vest only after the Supreme Court enters an Order approving such local rule.~~

(1) ~~Schedule for Plans. The Indiana Supreme Court Division of State Court Administration (Division) IOJA, with Supreme Court approval, shall prepare and publish a schedule for the submission and approval of such local rules for county caseload allocation plans. The schedule shall ensure that the judges of the courts of record in each county must review and submit a new local rule with a plan or re-submit an existing local rule with a 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~~ IOJA shall prepare and publish annually a weighted caseload report on the caseload of the Indiana trial courts of record ~~by court, county, and district.~~

~~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) ~~County Approval of Plans.~~ ~~The judges of the courts of record in each county must approve the county caseload allocation plan by not less than 75% vote. The chief judge or another judge designated by the courts of record in the county shall submit the approved county plan to the IOJA by the deadline established in the schedule. 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.~~

- ~~(4) District Plans. The judges of the courts of record in a judicial district may approve, by not less than 75% vote, a district caseload allocation plan. Any approved district plan must be submitted by the district administrative judge or another judge designated by the courts of record in the district to the IOJA.~~
- ~~(5) IOJA Approval of Plans. The IOJA will presume that the plans submitted pursuant to this rule were properly approved by the county or judicial district. The IOJA may request a county or judicial district to explain any caseload variance among courts resulting from the county or judicial district caseload allocation plan. The IOJA shall submit to the Supreme Court for approval the county caseload allocation plans that ensure an even distribution of judicial caseload. Should a county fail to submit a plan by the deadline established in the schedule, the Supreme Court shall prescribe a plan for use by the county. The IOJA shall submit to the Supreme Court for approval the district caseload allocation plans that allow for the efficient adjudication of cases.~~



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

#### **(F) Reporting of Performance Measures in Juvenile Cases**

- (1) Performance Measures Report.** All trial courts exercising jurisdiction over Children in Need of Services (CHINS) and Termination of Parental Rights (TPR) cases shall compile and report on court performance measures for all qualifying cases in their jurisdiction. The ~~Division of State Court Administration~~IOJA shall draft forms to be used in the gathering of statistical data and distribute the forms to all courts to be used in the preparation of reports.
- (2) Reporting Periods.** All trial courts subject to this rule shall prepare a quarterly summary report of the court performances measures for their respective court to the ~~Division of State Court Administration~~IOJA. The last day of the reporting period for the quarterly reports shall be December 31, March 31, June 30, and September 30.
- (3) Information for reports.** The judge of the trial court subject to this rule may require clerks, court reporters, or any other officer or employee of the court to furnish the information needed to prepare the reports.
- (4) Report Submission Dates.** Beginning in federal fiscal year 2014 (October 1, 2013 – September 30, 2014), the judge of the trial court subject to this rule shall cause the quarterly timeliness measures report to be filed with the ~~Division~~IOJA not later than ten (10) calendar days after the end of the reporting period in electronic format as established by the ~~Division~~IOJA.
- (5) Qualifying Cases.** All CHINS and TPR cases that were opened not more than five years prior to the beginning of the reporting period and which were closed in

the reporting period shall be included in the Court Performance Measures report for that reporting period. All cases filed more than five years prior to October 1 of the reporting year shall be excluded from the report.

- (6) **Court Performance Measures:** Effective for the federal fiscal year of October 1, 2013 – September 30, 2014, and for the same period thereafter, trial courts subject to this rule shall quarterly report the statistics and data requested by the State Court Administration for the following defined court performance measures:
- (a-) **Time to Permanent Placement:** This measure is defined as the median number of days from the filing of the original CHINS petition to permanency. Permanency for the purposes of this measurement is defined as the date that wardship is terminated. This Measure is limited to those cases in which the child was removed from the original parent, guardian, or custodian at any time during the pendency of the case.
  - (b-) **Time to First Permanency Hearing:** This measure is defined as the median number of days from the filing of the original CHINS petition to the date the first permanency hearing is held on the case as defined by of IC 31-34-21-7
  - (c-) **Time to Termination of Parental Rights Petition:** This measure is defined as the median number of days from the filing of the original CHINS petition to the filing of the petition for termination of parental rights. This measure excludes automatic petitions for termination of parental rights that are filed under IC 31-35-2-4 and 31-35-2-4.5, and such petitions should not be counted in this measure.
  - (d-) **Time to Termination of Parental Rights:** This measure is defined as the median number of days from the filing of the original CHINS petition to the day that the last order on the termination of parental rights is entered with regard to the child.
  - (e-) **Time to all Subsequent Permanency Hearings:** This measure is defined as the median number of days between all subsequent permanency hearings in a case as defined by IC 31-34-21-7.

This Rule is drafted to conform with the requirements of the Program Instructions for the Court Improvement Program as published by the Administration for Children and Families, U.S. Department of Health and Human Services, Log. No: ACYF-CB-PI-12-02.

#### **G) Reporting of Decision Point Data in Juvenile Cases**

- (1) *Disproportionate Minority Contact (DMC)/Juvenile Decision Point Data Report.* Trial courts hearing juvenile delinquency cases shall electronically compile and report DMC data for all delinquency cases in their court. The ~~Division of State Court Administration (Division)~~IOJA shall draft and distribute procedures for and assist courts in the gathering and electronic submission of statistical data and reports.
- (2) *Reporting Periods.* The last day of the reporting period for quarterly reports shall be December 31, March 31, June 30 and September 30. Beginning in federal fiscal year (October 1, 2016 - September 30, 2017) the judge of a trial court subject to this rule

shall cause the quarterly reports to be filed with the ~~Division IOJA~~ within ten (10) calendar days after the end of the reporting period in an electronic format as established by the ~~Division IOJA~~.

- (3) *Information for Reports.* The judge of a trial court, subject to this rule, may require clerks, court reporters, probation officers, or any employee of the court to furnish information required to complete and prepare the reports.
- (4) *Judge's Confirmation of Reporting.* The Judge of a Court or Chief Judge of a unified Court system shall review all reports and confirm through a process established by the ~~Division of State Court Administration IOJA~~ the completion and filing of all reports.

These amendments shall take effect upon the date of this Order.

Done at Indianapolis, Indiana, on 1/26/2017 .



---

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.