

# In the Indiana Supreme Court

Cause No. 94S00-1701-MS-5



## Order Amending Administrative Rules

On October 31, 2017, this Court issued an Order amending the Administrative Rules. That Order is withdrawn and replaced with the following Order.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

. . .

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

. . .

- (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 ~~IOJA the State Court Administration~~ IOJA Division for the following defined court performance measures:

. . .

### Rule 2. Reporting Fiscal Matters

- (A) **Preparation of Fiscal Reporting Forms.** The ~~Indiana Office~~ IOJA Division of ~~Judicial State Court~~ Administration (~~IOJA 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 ~~IOJA~~ IOJA 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.

. . .  
**(D) 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 ~~IOJA~~**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 ~~IOJA~~**Division**.

**(E) 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 ~~IOJA~~**Division**, the completion and filing of all reports.

. . .

#### **Rule 4. Committees**

##### **(A) 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 ~~Indiana Office~~**Division** of ~~Judicial State Court~~**Administration (IOJA)**.

##### **(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 ~~Chief Administrative Officer (CAO)~~**Executive Director** and staff of the ~~IOJA~~**Division of State Court Administration** shall assist the commission in performance of its duties.

. . .

##### **(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 ~~CAO Executive Director~~ of the ~~IOJA Division of State Court Administration~~, the ~~IOJA Division's~~ GAL/CASA Director and ~~IOJA Division~~ staff shall assist the Commission in the performance of its duties. The ~~IOJA Division~~ GAL/CASA Director shall serve as ex-officio member of the Commission.

**Rule 5. Payment and Notification Procedures**

**(A) Special Judge Fees.** The ~~Indiana Office~~ ~~Division~~ of ~~Judicial~~ ~~State Court~~ Administration (~~IOJA~~) 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 ~~Chief Administrative Office Executive Director~~ of ~~IOJA 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 ~~IOJA 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 ~~IOJA Division of State Court Administration~~ shall present the claim form to the Auditor of the State for payment.

**(B) Senior Judges.** The Indiana Office of Judicial Administration (IOJA) shall administer the use and payment of senior judges in accordance with the provisions set forth in this rule.

- (4) *Jurisdiction.* A presiding judge wishing to use a senior judge shall issue an order naming the senior judge who will serve the court. The order shall specify the day(s) the senior judge is to serve the court and whether the service is limited to the regular business hours of the court or is for the full twenty-four (24) hours. The senior judge shall provide to the presiding judge, and the presiding judge shall attach to the order, a verified written statement from the senior judge that the senior judge does not practice law in the court. The order shall be filed in the Record of Judgments and Orders of the court and a copy sent to the ~~IOJA Division of State Court Administration~~. A senior judge shall have the same jurisdiction as the presiding judge of the court where the senior judge is serving, but only during the time specified in the order naming the senior judge to serve the court. A senior judge who has been certified by the Judicial Nominating Commission shall have jurisdiction at any time during the certification to

officiate at marriages and administer oaths. 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;

**(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 ~~IOJA~~**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 ~~IOJA~~**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 ~~IOJA~~**Division of State Court Administration**.

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

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

- (12) *"Division"* means the ~~Indiana Office~~**Division** of ~~Judicial~~**State Court** Administration (**IOJA**).

**(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:
  - (g) Archival data stored on a digital master shall be converted to microfilm. Retention schedules will be applied to all documents prior to conversion to

microfilm. This excludes the scanning system implemented by the Division of ~~State Court Administration~~ as follows:

- (i) Archived data is maintained on systems that allow upgrade without degradation or loss of data.
- (ii) Archived data is geo-redundantly stored for disaster recovery purposes.
- (iii) Archived data is in a file format that can be read by generally available computer systems without proprietary software.

(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.

- (j) The scanning system implemented by the Division of ~~State Court Administration~~ is excluded from standard digital media and digital master standards so long as:
  - (i) Archived data is maintained on systems that allow upgrade without degradation or loss of data.
  - (ii) Archived data is geo-redundantly stored for disaster recovery purposes.
  - (iii) Archived data is in a file format that can be read by generally available computer systems without proprietary software.

## **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 ~~Indiana Office Division~~ of Judicial ~~State Court~~ Administration (IOJA) to maintain or destroy such records.

#### **B. Authorized Formats of Permanent Records.**

Records required to be maintained permanently under this Rule may be maintained in their original format, on microfilm, or in electronic format. The record keeping formats plus the quality and permanency requirements employed for permanent records shall be approved by the ~~IOJA Division of State Court Administration~~ to ensure compliance with this Rule, Administrative Rule 6, and Trial Rule 77.

- (1) **Microfilmed Records.** Records which may be microfilmed under this Rule must be microfilmed in accordance with the provisions of Administrative Rule 6. The retention

schedules will identify which records are authorized to be microfilmed and may provide other specifications such as a time period to maintain a record in its original format before microfilming is permitted.

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 ~~IOJA Division of State Court Administration~~ to microfilm records other than those herein authorized.

## 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 ~~IOJA Division of State Court Administration~~ or the Indiana Archives and Records Administration.

### CIVIL (1)

85-1.1-01R	Entry Docket	1790-c. 1913	maintain permanently 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 (may microfilm after 20 years).
85-1.1-04	Change of Venue Record	c. 1873 +	maintain permanently (may 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 meeting standards of Admin.R. 6. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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. May 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. May Microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
85-1.1-19.1R	Nonjudicial Order Book (Certifications and Statutorily Directed Matters)	1989- +	maintain permanently meeting the standards set by the Supreme Court (may 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 Archives and Records Administration.

85-1.1-21	General Index to Complete Order Book, Civil	1790-1990	transfer to Archives Division, Indiana Archives and Records Administration.
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. May microfilm and destroy original 3 years after final disposition of case, unless dissolution of marriage, then may 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	transfer to Archives Division, Indiana Archives and Records Administration.
		9/1881-1990	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 <del>IOJA Division of State Court Administration</del> with transfer to the Archives Division, Indiana Archives and Records Administration. 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, and 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 Archives and Records Administration.
		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	1929- +	destroy 20 years after date of last entry.

	(not all courts created this ledger)		
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	Praeipce/Certified Copy Praeipce (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	transfer to Archives Division, Indiana Archives and Records Administration.
		post 1852	destroy 20 years after date of last entry.
85-1.1-37	Execution Dockets	1790- + pre-1853	transfer to Archives Division, Indiana Archives and Records Administration.
		post 1852	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	transfer to Archives Division, Archives and Records Administration.
		post 9/1881	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 <del>IOJA</del> <b>Division of State Court Administration</b> .
-----------	-----------------	----------------	------------------------------------------------------------------------------------------------------

**CHANCERY**

85-1.2-01	Chancery Order Book	1843-1852	maintain permanently.
85-1.2-02	Case Files, Chancery	to 1853	transfer to Archives Division, Archives and Records Administration.

**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.
-----------	-----------------------------------------	-----------	----------

### PARTITIONS

85-1.4-01	Partition Record	1853-1869 (& later)	maintain permanently.
85-1.4-02	Partition Record Complete	1853-1869 (& later)	maintain permanently.
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 (may microfilm after 20 years).
85-1.5-02R	Order Book, Domestic Relations	c. 1973- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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. May 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 Archives and Records Administration.
85-2-02	Indictments/Grand Jury Reports	1790- +	transfer to Archives Division, Indiana Archives and Records Administration after 20 years.
85-2-03R	Information Record	1853-1905	transfer to Archives Division, Indiana Archives and Records Administration.
87-2-33	Affidavit Record	1905-1973	transfer to Archives Division, Indiana Archives and Records Administration
87-2-34	Indictment/Information Record IC 35-34-1-1	1973- +	transfer to Archives Division, Indiana Archives and Records Administration after 20 years.

85-2-04	Informations/Affidavits (1905-1973)	1853 - +	transfer to Archives Division, Indiana Archives and Records Administration 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 Archives and Records Administration; 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 Archives and Records Administration; 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 Archives and Records Administration 6 years after date of issue, if filed separately.
85-2-10	Habeas Corpus (ledger)	1790- +	transfer to Archives Division, Indiana Archives and Records Administration 6 years after date of last entry.
85-2-11R	Entry Docket	1790-1913	maintain permanently.
85-2-12	Entry Docket & Fee Book	1913-1990	maintain permanently; may 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.
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. May microfilm original 3 years after case is disposed of.
85-2-19R	Order Book, Criminal	c. 1860's-1990 (varies)	maintain permanently. May microfilm after 20 years and transfer original to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration</del> .
85-2-20	Order Book Complete, Criminal (rare)	c. 1860's- c. 1880's	maintain permanently.
85-2-21R	Felony Criminal Case Files	1790- to 9-01-1881	transfer all files prior to 9-01-1881 to Archives Division, Indiana Archives and Records Administration.
		9/1881-1990	Maintain a 2% statistical sample, which is determined by the <del>IOJA Division of State Court Administration</del> with transfer to the Archives Division, Indiana Archives and Records Administration. 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 Archives and Records Administration.
		9/1881 +	Maintain a 2% statistical sample, which is determined by the <del>IOJA Division of State Court Administration</del> with transfer to the Archives Division, Indiana Archives and Records Administration. 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 Archives and Records Administration 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
12-2-39	Problem-Solving Court Case Files	2002+	Destroy no earlier than 6 years after discharge from problem-solving court or completion of probation whichever is later

### **ESTATES (3)**

#### **WILLS**

85-3.1-01R	Recorded Original Wills	1790- +	maintain permanently (as a part of the Estate Case File, or as a separate series if filed separately). May microfilm after 5 years.
85-3.1-02	Will Record	1790- +	maintain permanently in original format; may microfilm or store electronically 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; may microfilm or store electronically as a critical record, for security.
85-3.1.04	Clerk's Report of Wills Probated in Vacation	discretionary, usually from	maintain permanently in original format; may microfilm

		1881, little used thereafter	or store electronically as a critical record, for security.
85-3.1-05	Index to Will Record	discretionary	maintain permanently in original format, may microfilm or store electronically as a critical record, for security.

### ESTATES

85-3.2-01	Appearance Docket	to c. 1881	maintain permanently.
85-3.2-02	Allowance Docket	to c. 1879	destroy.
85-3.2-03	Estate Entry Docket	to c. 1879	maintain permanently.
85-3.2-04	General Entry Claim and Allowance Docket	c. 1879 c.	maintain permanently.
85-3.2-05	Estate Entry Claim and Allowance Docket & Fee Book (Form 42)	c. 1911- +	maintain permanently; may 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.
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 may microfilm 3 years after close of case.

85-3.2-15R	Probate/ Estate Case Files	1790-1990	maintain permanently (may 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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
85-3.2-37R	Probate Order Book, Complete	c. 1829-c. 1920's	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
85-3.2-38	Order Book Estates, Vacation Entries	c. 1881-c. 1969	maintain permanently.
85-3.2-39	Assignment Order Book	discretionary	maintain permanently.
85-3.2-40	Probate Order Book, Transcript of Original	discretionary	maintain permanently.
85-3.2-41	Record of Administrator's Accounts IC 29-1-1-23(f)	c. 1860's-+ 6/30/1991	maintain permanently.

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, may 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	Praecipe 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 – may microfilm or store electronically for security purposes.
85-3.2-48	General Index to Probate Complete Record	to c. 1920's	maintain permanently.
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 <b>IOJA Division of State Court Administration.</b>

### 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 (may 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. 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.
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. May microfilm after 20 years and transfer original to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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 <del>IOJA Division of State Court Administration.</del>

**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, (may microfilm after 20 years).
85-3.4-02	Trust Case Files	-to current	maintain permanently, (may 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.
85-3.4-05	Trustee's Miscellaneous Record of Reports (ledger)	varies	maintain permanently.

**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, except individual records expunged. May microfilm after 20 years and transfer original to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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.
01-4.1-33	Juvenile RJO	Record of Judgments and Orders	maintain permanently.
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 <del>IOJA Division of State Court Administration.</del>
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; may microfilm filled ledger for security.
85-4.2-02R	Docket Sheets	1941- +	maintain permanently in court; may microfilm 3 years after disposition using standards of Admin. R. 6.
85-4.2-03R	Paternity Case Files	1941- +	maintain permanently (may microfilm after 5 years).
87-4.2-04R	Dismissed Paternity Case Files	1941- +	maintain permanently (may 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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA</del> <b>Division of State Court Administration</b> .
85-4.3-02R	Adoption Case Files	1941- +	maintain permanently (may microfilm after 5 years).
95-4.3-02.1	Dismissed Adoption Case Files	1941- +	maintain permanently (may 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.
-----------	---------------------------------------------------	---------	-----------------------

**COURT-ORDERED BIRTH CERTIFICATES**

85-4.4-01R	Birth Certificate Record (Order Book Index of Judicial Judgment & Decree)	1941- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
85-5.1-03R	Small Claims Docket Sheets	1976-1990	maintain permanently (may microfilm 3 years after disposition)
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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>
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 Archives and Records Administration 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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <a href="#">IOJA Division of State Court Administration</a> .
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 Archives and Records Administration through the [IOJA 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 Archives and Records Administration.
85-7-02	Case Files	1853-1865	transfer to Archives Division, Indiana Archives and Records Administration.

### SPECIAL JUDICIAL FUNCTIONS (8)

85-8.1-01R	Insane Record/Mental Health Record	1848- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <a href="#">IOJA Division of State Court Administration</a> .
------------	------------------------------------	---------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA</del> Division of State Court Administration.
85-8.1-04R	Gen. Index to Insane/Mental Health Record (discretionary)	-1990	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA</del> 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 Archives and Records Administration 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 Archives and Records Administration 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 Archives and Records Administration.
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 (may microfilm after 10 years).
85-8.8-02R	Drainage Order Book	1881-1990	maintain permanently. May microfilm after 20 years and transfer of originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>

#### 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. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA Division of State Court Administration.</del>

87-9-03R	Appellate Court Decisions	1790- +	maintain permanently. May microfilm after 20 years and transfer originals to the Indiana Archives and Records Administration or otherwise dispose of upon approval of the <del>IOJA</del> <b>Division of State Court Administration</b> .
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 Archives and Records Administration 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. May 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. May 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 8.1. 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~~ three 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:

55S0017S-0804-SJ-00001

(1) Year of Filing and 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~~ three characters shall constitute the ~~county and the year of the filing 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~~second 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~~

~~CO Contempt Proceedings~~

~~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 cases and appeals therefrom~~

~~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".

(43) *Filing Sequence*. The ~~fourth-third~~ 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) Contribute to public safety;
  - (b) Protect individual Due Process rights and privacy interests;
  - (c) Minimize the risk of injury to individuals;
  - (d) Promote accessibility to Court Records;
  - (e) Promote governmental accountability and transparency;
  - (f) Protect proprietary business information; and
  - (g) Make the most effective use of Court and Clerk of Court staff.
- (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 or Court and courts need not redact or restrict information that was otherwise public in Case Records and Court 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 are public safety and privacy ~~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~~shall 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~~shall 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~~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/or shared~~ databases does not, by itself, make the information in Court Records subject to this rule.

The ~~Division of State Court~~Indiana Office of Judicial 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, including courts of the United States of America and their related court agencies and 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;
  - (d) the parties to a case or their lawyers with respect to their own case; and
  - (e) prospective lawyers in juvenile paternity cases and the lawyers' agents, upon the lawyer's filing with the court an *Assurance of Confidentiality* in substantial compliance with the form appended to this Rule.

#### *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 Court 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) “Court 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, 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, or Probate 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 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.*

*A “Court 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 ~~Office of Judicial Administration~~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 section 9(G).
- (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 subsection (3) does not apply to court proceedings or Court 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 section 9(G):

- (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~~Indiana Office of Judicial Administration. ~~In the instance of records from multiple courts, the Supreme Court may adopt such a fee. The Chief Administrative Officer may establish fees to be charged in conjunction with electronic access to Ceourt Rrecords maintained by the Office of Judicial Administration.~~ 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 ~~B~~bulk Distribution and ~~C~~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 9(G) of this rule may be provided. Copies of documents and financial information may be allowed by written contract with the Office of Judicial Administration.
- (2) Except as provided in 2(eb):
  - (a) Requests for Bulk Distribution or Compiled Information shall be made to the ~~Executive Director of the Division of State Court~~ Indiana Office of Judicial 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.~~
    - ~~(i) The Chief Administrative Officer or other designee is authorized to act on such requests without further direction from the Indiana Supreme Court.~~
    - ~~(ii) For Bulk or Compiled Information requests for Court Records of any Court or clerk, approval of the requests shall be contingent upon the execution of an approved User Agreement with the Office of Judicial Administration and paying any fee(s) established by the Chief Administrative Officer.~~
    - ~~(iii) Requests may be denied by the Chief Administrative Officer or designee upon determination that the information sought is not consistent with the purpose of this rule, that resources are not available to prepare the information, or that fulfilling the request is an inappropriate use of public resources.~~
  - (b) ~~The Executive Director of the Division of State Court Administration or other designee of the Indiana Supreme Court may, summarily and without execution of a User Agreement, approve a request for compiled information 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, provided the requested data:~~
    - ~~• will not be resold;~~
    - ~~• will not be used for a commercial purpose;~~
    - ~~• does not contain confidential data;~~
    - ~~• is not bulk (raw) data and~~
    - ~~• does not contain financial data.~~
- (eb) Courts and clerks within a judicial circuit may provide nonconfidential, Complied Information from their case management system in response to a ~~news media~~ request for information that is normally available to the public via public access.

- (3) The Chief Administrative Officer may establish fees for Bulk Distribution or Compiled Information. ~~With respect to requests for Case Record information not excluded from Public Access by Section 9(G) of this rule, the request for Bulk Distribution or Compiled Information may be denied by the Executive Director, designee or a court of a judicial circuit using a case management system other than Odyssey upon determination that the information sought is not consistent with the purposes of this rule, that resources are not available to prepare the information, and that fulfilling the request is an inappropriate 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 Section 9(G) 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)(32)(b) 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~~ Bulk Distribution or Compiled Information requests, Courts ~~must~~ shall 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) Excluding Court Records From Public Access.**

- (1) *Court Records That Must Shall Be Excluded From Public Access In Entirety.* The following ~~must~~ shall be excluded from Public Access:
  - (a) Entire cases where all Court Records are declared confidential by statute or other court rule;
  - (b) Entire cases where all Court Records are sealed in accordance with the Access to Public Records Act (I.C. § 5-14-3-5.5);

- (c) Entire cases where all Court Records are excluded from Public Access by specific Court order entered in accordance with 9(G)(4).
  - (d) All Mental health cases filed pursuant to I.C. § 12- 26.
  - (e) Entire cases that exclusively pertain to investigative requests and process unrelated to a pending criminal proceeding, including but not limited to search warrants, subpoenas *ad testificandum*, subpoenas *duces tecum*, and other investigative requests.
- (2) *Individual Case Records That ~~Must~~ Shall Be Excluded From Public Access.* The following ~~must~~shall be excluded from Public Access:
- (a) Case Records declared confidential or excluded from Public Access pursuant to federal law;
  - (b) Case Records excluded from Public Access or declared confidential by Indiana statute or other court rule;
  - (c) Case Records excluded from Public Access pursuant to 9(G)(1) or by specific Court order entered in accordance with 9(G)(4);
  - (d) Case Records sealed in accordance with the Access to Public Records Act (I.C. § 5-14-3-5.5);
  - (e) Case Records for which a statutory or common law privilege has been asserted and not waived or overruled;
  - (f) Complete Social Security Numbers of living persons;
  - (g) With the exception of names, information such as addresses (mail or e-mail), 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;
  - (h) Complete account numbers of specific assets, loans, bank accounts, credit cards, and personal identification numbers (PINs);
  - (i) All personal notes, e-mail, and deliberative material of judges, jurors, court staff, and judicial agencies, and information recorded in personal data assistants (PDAs) or organizers and personal calendars.
  - (j) Entire criminal cases when a request to exclude Case Records from Public Access is filed contemporaneously with a request for an Arrest warrants, search warrants, indictments, and informations ordered confidential by the trial judge, prior to return of duly executed service.
    - (i) When probable cause to justify issuance of an arrest warrant has been established, the Case Records shall be publicly accessible unless the judge determines that the facts presented in the request for exclusion for Public Access support a reasonable belief that public disclosure will increase the risk of flight by the defendant, create

an undue risk of harm to the community or a law enforcement officer, or jeopardize an on-going criminal investigation.

- (ii) An order excluding Public Access issued under this section shall expire immediately upon the arrest of the defendant.
- (k) All paternity records created after July 1, 1941, and before July 1, 2014, as declared confidential by statutes in force between those date, which statutes were amended by P.L. 1-2014, effective July 1, 2014.
- (l) Case Records created or maintained by an agency or program for pre-trial release and supervision and problem--solving court supervision.
- (m) Court Records related to violations of conditions of post-conviction supervision when a request to exclude the records from Public Access is filed contemporaneously with the notice of violation and the request for arrest warrant.
  - (i) When probable cause to justify issuance of an arrest warrant has been established, the Case Records shall be publicly accessible unless the judge determines that the facts presented in the request for exclusion for Public Access support a reasonable belief that public disclosure will increase the risk of flight by the defendant, create an undue risk of harm to the community or a law enforcement officer, or jeopardize an on-going criminal investigation.
  - (ii) An order excluding Public Access issued under this subsection shall expire immediately upon the arrest of the defendant.
- (n) Records in a pending matter that pertain to permissible *ex parte* proceedings, post-charging investigatory requests for process, or requests for *in camera* review, and that have been ordered confidential by the trial judge.
- (3) *Court Administration Records That ~~Must~~ Shall Be Excluded From Public Access.* The following Court Administration Records are confidential and ~~must~~ shall be excluded from Public Access:
  - (a) Case Records excluded in 9(G)(2);
  - (b) Court Administration Records excluded from Public Access or declared confidential by Indiana statute or other court rule.
- (4) *Excluding Other Court Records From Public Access.* In extraordinary circumstances, a Court Record that otherwise would be publicly accessible may be excluded from Public Access by a Court having jurisdiction over the record, provided that each of the following four requirements is met:
  - (a) Verified written request. A verified written request to prohibit Public Access to a Court Record may be made by any person affected by the release of the Court Record. The request ~~must~~ shall demonstrate that:
    - (i) The public interest will be substantially served by prohibiting access; or
    - (ii) Access or dissemination of the Court Record will create a significant risk of substantial harm to the requestor, other persons, or the general public; or
    - (iii) A substantial prejudicial effect to on-going proceedings cannot be avoided without prohibiting Public Access.

When this request is made, the request and the Court Record will be rendered confidential for a reasonable period of time until the Court rules on the request.

- (b) Notice and Right to Respond.
  - (i) The person seeking to prohibit access has the burden of providing notice to the parties and such other persons as the Court may direct.
  - (ii) The person seeking to prohibit access mustshall provide proof of notice to the Court or the reason why notice could not or should not be given consistent with the requirements found in Trial Rule 65(B).
  - (iii) A party or person to whom notice is given shall have twenty (20) days from receiving notice to respond to the request.
- (c) Public Hearing.
  - (i) A Court may deny a request to prohibit Public Access without a hearing.
  - (ii) If the Court does not initially deny the request, it shall post advance public notice of the hearing consistent with the notice requirements found in I.C. § 5-14-2-5.
  - (iii) Following public notice, the Court mustshall hold a hearing on the request to prohibit Public Access to a Court Record.
- (d) Written Order. Following a hearing, a Court may grant a request to prohibit Public Access by a written order that:
  - (i) States the reasons for granting the request;
  - (ii) Finds the requestor has demonstrated by clear and convincing evidence that any one or more of the requirements of 9(G)(4)(a) have been satisfied;
  - (iii) Balances the Public Access interests served by this rule and the grounds demonstrated by the requestor; and
  - (iv) Uses the least restrictive means and duration when prohibiting access.
- (5) *Procedures for Excluding Court Records From Public Access.*
  - (a) Notice to maintain exclusion from Public Access.
    - (i) In cases where the Court Record is excluded from Public Access pursuant to 9(G)(2), 9(G)(3), or 9(G)(4), the party or person submitting the confidential record mustshall provide the following notice that the record is to remain excluded from Public Access:
      - a. *Pleadings or Papers.* A Court Record filed with the Clerk of Court that is to be excluded from Public Access mustshall be accompanied by separate written notice identifying the specific 9(G)(2) or 9(G)(3) ground(s) upon which exclusion is based. See Form 9-G1.
      - b. *Exhibits.* A Court Record tendered or admitted into evidence during an *in camera* review, hearing, or trial that is to be excluded from Public Access mustshall be accompanied by separate written notice identifying the specific 9(G)(2) or 9(G)(3) ground(s) upon which exclusion is based. See Form 9-G2.
      - c. *Oral statements in transcript on appeal.* If any oral statement(s) contained in the transcript on appeal is to be excluded from Public Access, then during the hearing or trial, the Court Reporter mustshall be given notice of the exclusion

and the specific 9(G)(2) or 9(G)(3) ground(s) upon which that exclusion is based. If notice was not provided during the hearing or trial, any party or person may provide written notice in accordance with Appellate Rules 28(F)(3)(c) or (4). The Court Reporter ~~must~~shall comply with Appellate Rules 28(F) and 29(D) when preparing the transcript on appeal.

- (ii) In cases where all Court Records are excluded from Public Access in accordance with Administrative Rule 9(G)(1), no notice of exclusion from Public Access is required.
- (b) Green paper requirements. Where only a portion of the Court Record has been excluded from Public Access pursuant to 9(G)(2) or 9(G)(3), the following requirements apply:
  - (i) *Public Access Version.* If a portion of a document filed or exhibit tendered contains confidential Court Records to be excluded from Public Access, the document or exhibit ~~must~~shall be filed on white paper and any Court Record to be excluded from Public Access shall be omitted or redacted from this version. The omission or redaction shall be indicated at the place it occurs in the Public Access version. If the entire document is to be excluded from Public Access, the 9(G)(5)(a) Notice filed with the document will serve as the Public Access Version.
  - (ii) *Non-Public Access Version.*
    - a. If the omission or redaction in accordance with 9(G)(5)(b)(i) is not necessary to the disposition of the case, the excluded Court Record need not be filed or tendered in any form and only the Public Access version is required. The Administrative Rule 9(G)(5)(a) Notice should indicate this fact. See Form 9-G3.
    - b. If the omission or redaction in accordance with 9(G)(5)(b)(i) is necessary to the disposition of the case, the excluded Court Record ~~must~~shall be separately filed or tendered on green paper and conspicuously marked “Not for Public Access” or “Confidential,” with the caption and number of the case clearly designated and:
      - i. If the Court Record is omitted or redacted from an exhibit, attachment, appendix, transcript, evidentiary designation, or similar document, then the separately filed or tendered Non-Public Access version shall consist only of the omitted or redacted Court Record on green paper, with a reference to the location within the Public Access Version to which the omitted or redacted material pertains.
      - ii. If the Court Record is omitted or redacted from a motion, memorandum, brief, or similar document containing substantive legal argument, then the separately filed Non-Public Access version shall consist of a complete, consecutively-paginated replication including both the Public Access material on white paper and the Non-Public Access material on green paper.
  - (iii) The green paper requirements set forth in 9(G)(5)(b) do not apply to cases in which all Court Records are excluded from Public Access pursuant to 9(G)(1). With respect to documents filed in electronic format, the Court may, by rule, provide for compliance with this rule in a manner that separates and protects access to Court Records excluded from Public Access.



- (6) *Waiver, Failure To Exclude, Improper Exclusion, and Sanctions.*
- (a) Waiver of right to exclude Court Record from Public Access.
    - (i) The party or person affected by the release of the Court Record may waive the right to exclude the Court Record from Public Access.
    - (ii) After waiver, a party or person seeking to reassert the right to exclude the Court Record from Public Access may do so only by complying with 9(G)(4).
  - (b) Failure to exclude Court Record from Public Access.
    - (i) Unless waived, the right to exclude a Court Record that is expressly declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3) is never forfeited by the failure to comply with any provision of 9(G).
    - (ii) Immediately upon learning that a Court Record declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3) was not excluded from Public Access, the party submitting such Court Record mustshall comply with the requirements of 9(G) to ensure proper exclusion.
  - (c) Improper exclusion of Court Record from Public Access.
    - (i) Only Court Records declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3) may be excluded from Public Access.
    - (ii) If a court determines that Court Records are excluded from Public Access without first satisfying 9(G)(1), 9(G)(2), or 9(G)(3), the Court Records shall be made available for Public Access seven (7) days seventy-two hours after notice to the parties and any person affected by the release, unless the requirements of 9(G)(4) are thereafter satisfied.
    - (iii.) If a court denies a 9(G)(4) request to exclude a Court Record from Public Access or if a Court Record is required to be made available for Public Access pursuant to 9(G)(6)(c)(ii), the party that originally submitted the Court Record as a Non-Public Access document is responsible for immediately resubmitting the Court Record as a Public Access Document.
  - (d) Sanctions. The failure to comply with any provision of 9(G) can subject counsel or a party to sanctions.
- (7) *Obtaining Access to Court Records Excluded from Public Access.*
- (a) A Court Record that is excluded from Public Access under this rule may be made accessible if:
    - (i) Each person affected by the release of the Court Record waives confidentiality by intentionally releasing such Court Record for Public Access pursuant to 9(G)(6)(a); or
    - (ii) A Court with jurisdiction over the case declares:
      - a. the Court Record should not have been excluded from Public Access;
      - b. the 9(G)(4) order was improper or is no longer appropriate;
      - c. the Court Record is essential to the resolution of litigation; or
      - d. disclosure is appropriate to further the establishment of precedent or the development of the law.
  - (b) A Court Record that is excluded from Public Access under this rule also may be made accessible provided the following four conditions are met:
    - (i) Verified written request. The person seeking access to the Court Record mustshall file with the Court having jurisdiction over the record a verified written request

demonstrating that:

- a. Extraordinary circumstances exist requiring deviation from the general provisions of this rule;
- b. The public interest will be served by allowing access;
- c. Access or dissemination of the Court Record creates no significant risk of substantial harm to any party, to third parties, or to the general public;
- d. The release of the Court Record creates no prejudicial effect to on-going proceedings; or
- e. The Court Record should not be excluded for Public Access under 9(G)(1), 9(G)(2) or 9(G)(3).

When a request is made for access to Court Records excluded from Public Access, the Court Record will remain confidential until the Court rules on the request.

(ii) Notice and Right to Respond.

- a. The person seeking access has the burden of providing notice to the parties and such other persons as the Court may direct.
- b. The person seeking access ~~must~~shall provide proof of notice to the Court or the reason why notice could not or should not be given consistent with the requirements found in Trial Rule 65(B).
- c. A party or person to whom notice is given shall have twenty (20) days from receiving notice to respond to the request.

(iii) Public Hearing.

- a. A Court may deny a request to provide access without a hearing.
- b. If the Court does not initially deny the request, it shall post advance public notice of the hearing consistent with the notice requirements found in I.C. §5-14-2-5.
- c. Following public notice, the Court ~~must~~shall hold a hearing on the request to allow access to the Court Record.

(iv) Written Order. Following a hearing, a request to allow access to Court Records may be granted upon the issuance of a written order that:

- a. States the reasons for granting the request;
- b. Finds the requestor has demonstrated by clear and convincing evidence that any one or more of the requirements of 9(G)(7)(b)(i) have been satisfied; and
- c. Considers the Public Access and the privacy interests served by this rule and the grounds demonstrated by the requestor.

(c) A Court may place restrictions on the use or dissemination of the Court Record to preserve confidentiality.

### *Commentary*

*As noted previously, Rule 9 starts from the presumption of open public access to court records. To address those limited circumstances where federal statute, state statute, or court rule has declared Court Records to be confidential, this section provides the mechanism by which these confidential Court Records are to be excluded from Public Access.*

Section G(1) begins by recognizing that, in some instances, an entire case ~~must~~shall be excluded from Public Access because all Court Records have been declared confidential, but Sections G(2) and (3) make clear that in most instances it is only individual Case or Administrative Records that have been declared confidential. As provided in Ind. R. Evid. 201(b)(5), a court can take judicial notice of the records of any court of this state, which includes the juvenile records of another court of this state.

This section does not limit the authority of a judge in a particular case to order the sealing of particular records pursuant to the specific requirements of I.C. §5-14-3-5.5 or to enter an order excluding Court Records from Public Access in accordance with the specific requirements of G(4). No other type of court order is sufficient to seal or exclude Court Records from Public Access.

The Judicial Conference of Indiana is directed by statute to prescribe standards concerning the protection of probation records and disclosure of information contained in those records. The Judicial Conference is authorized by statute to prescribe certification rules for problem-solving courts. The Conference has determined information contained in probation files and problem-solving court case management files are confidential and may only be released in accordance with state and federal statutes and rules, and policies adopted by the Judicial Conference of Indiana. Court Alcohol and Drug Program records may only be released in accordance with state and federal law and rules.

Section G(4) addresses those extraordinary circumstances in which information that is otherwise publicly accessible nonetheless is to be excluded from Public Access. This section generally incorporates a presumption of openness and requires compelling evidence to overcome this presumption, as well as public notice, a public hearing, and a written order containing specific findings. While a request made under Section G(4) treats the Court Record as confidential from the time of filing or tendering until the court rules on the request, parties should be aware that their request is not retroactive. Copies of the Court Record already may have been disseminated prior to any G(4) request, and action taken under G(4) will not affect those records.

Section G(5) provides the specific procedures for excluding Court Records from Public Access. The party or person submitting the confidential record has the burden of providing separate, written notice identifying the grounds upon which exclusion is based. See Forms 9-G1 and 9-G2. The act of filing a Court Record on green paper does not constitute the required notice.

The 9(G)(5)(a)(i)(c) notice requirements for excluding oral statements contained in a transcript apply only to transcripts that are filed with the Clerk by the Court Reporter for use on appeal. The requirements of this provision do not apply to private transcripts that are never filed with the Clerk. If a party or person thereafter files or tenders that private transcript to the Clerk or Court, then the notice requirements in 9(G)(5)(a)(i)(a) or (b) will apply.

In addition to the separate written notice, in most instances, Section G(5)(b) requires filing or tendering of both a Public Access version and a Non-Public Access version. The Public Access version is to be on white paper, with the confidential information redacted (if it is only part of a page) or omitted (if it is a whole page). If a whole page is omitted, some type of notation ~~must~~shall be made at the precise place in the Public Access version indicating where the omission occurred. The Non-Public-Access version is to be on green paper and ~~must~~shall contain the confidential material redacted or omitted from the Public Access version, unless the omitted or redacted confidential material is not necessary to the disposition of the case (such as a social security number, a bank number, etc.), in which instance the redacted or omitted material need not ever be separately tendered or filed on green paper and only a Public Access version is required.

Section G(6) permits waiver of confidentiality by the party or person affected by the release of the Court Record, but in all other instances in which a Court Record has been declared confidential pursuant to 9(G)(1), 9(G)(2), or 9(G)(3), such confidentiality is not forfeited.

*If a court determines that a party has improperly excluded Court Records from Public Access without first satisfying G(1), G(2), or G(3), those records shall be made available for Public Access unless, within seven days after notice of the improper exclusion has been sent, the party or person affected by the release of such records files a verified request to exclude pursuant to G(4).*

*Section G(7) 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.*

**(H) 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 9(F)(4) or 9(G) 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.*

**(I) 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 Distribution 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 supersede 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 ~~IOJA Division of State Court Administration~~.

**(J) 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~~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**

. . .

**(E) Transfer of Court Records - Court Creation or Closure.**

. . .

- (2) Termination of a Court. Upon the adoption of an ordinance or statute that terminates the existence of a court, the judge of the court subject to termination shall immediately notify the ~~Indiana Office~~Division of ~~Judicial~~State-Court Administration (IOJA).

. . .

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

. . .

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

. . .

- (3) Application may be made to the Indiana Supreme Court, through the ~~Indiana Office~~Division of ~~Judicial~~State-Court Administration (IOJA), for approval of a plan that uses alternative procedures and technology that meet the intent and objective of this rule.

. . .

**Rule 15 Court Reporters**

. . .

**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:

- (f) require the court reporter to report at least on an annual basis to the Indiana Supreme Court ~~Indiana Office~~Division of ~~JudicialState-Court~~ Administration (IOJA), on forms prescribed by the ~~IOJA~~Division, all transcript fees (either county indigent, state indigent, or private) received by the court reporter;

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

**(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 ~~Indiana Office~~Division of ~~JudicialState-Court~~ Administration (IOJA). The ~~IOJA~~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 unrepresented 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 ~~IOJA~~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.

**(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 ~~IOJA~~Division of ~~State Court~~ Administration pursuant to this rule.

**(H) Original Document.** Until such time that a Court implements a process approved by the ~~IOJA~~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 ~~IOJA~~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 unrepresented 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 ~~IOJA 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 ~~IOJA Division of State Court Administration~~ may modify these provisions at any time.

**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 ~~IOJA 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**

- (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 Indiana Office Division of Judicial State Court Administration (IOJA)~~. The ~~IOJA Division of State Court Administration~~ shall create form petitions available for trial court use.

**Rule 18. County Probation Departments**

- (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 ~~Office of Judicial Administration~~**Judicial Center (IOJA)** by March 1 annually. The annual report shall be submitted on a form drafted by the ~~IOJA~~**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 ~~IOJA~~**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 ~~IOJA~~**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 ~~IOJA~~**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 ~~IOJA~~**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 ~~IOJA~~**Indiana Judicial Center** by October 1, 2011 that the county operates a unified or consolidated adult probation department and a separate juvenile probation department.



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

. . . .  
These amendments shall take effect January 1, 2018.

Done at Indianapolis, Indiana, on 11/1/2017 .



---

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.