

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

## SENATE ENROLLED ACT No. 143

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AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 33-4-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 18. (a) The county of Delaware ~~in said State~~, shall constitute the Forty-sixth Judicial Circuit.

**(b) There are five (5) judges of the Delaware circuit court.**

SECTION 2. IC 33-4-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]:

### **Chapter 12. Delaware Circuit Court**

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

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

**(b) The assignment of judges of the court to the dockets specified in subsection (a) shall be by rule of the court. However,**

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Delaware circuit court No. 4 and Delaware circuit court No. 5 shall each have a standard small claims and misdemeanor docket.

Sec. 2. The judges of the Delaware circuit court shall select from among themselves a presiding judge of the court. The presiding judge shall be selected for a minimum term of twelve (12) months.

Sec. 3. Whenever action of the entire court is required, including selection of a presiding judge under section 2 of this chapter and adoption of rules under section 5 of this chapter, the judges of the court shall act in concert. If the judges disagree, the decision of the majority of the judges controls.

Sec. 4. In accordance with rules adopted by the judges of the Delaware circuit court under section 5 of this chapter, the presiding judge shall do the following:

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

Sec. 5. (a) The judges of the Delaware circuit court shall adopt rules to provide for the administration of the court, including rules governing the following:

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

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

Sec. 6. (a) Each judge of the Delaware circuit court may, subject to the budget approved for the court by the fiscal body of Delaware County, employ personnel necessary for the proper administration of the judge's docket.

(b) Personnel employed under this section:

- (1) include court reporters, bailiffs, clerical staff, and any



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additional officers necessary for the proper administration of the court; and

(2) are subject to the rules concerning employment and management of court personnel adopted by the court under section 5 of this chapter.

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

Sec. 7. (a) The Delaware circuit court may appoint a court administrator subject to the budget approved for the court by the fiscal body of Delaware County.

(b) A court administrator appointed under this section is subject to the rules concerning employment and management of court personnel adopted by the court under section 5 of this chapter.

SECTION 3. IC 33-5-18.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The court has the same jurisdiction as the Floyd circuit court, except that only the circuit court has **jurisdiction over juvenile, ~~jurisdiction: probate, and trust matters.~~**

SECTION 4. IC 33-5-25.3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 5. (a) The judge of the court shall appoint a bailiff and an official court reporter for the court.

(b) **The court may appoint a referee and other personnel as the court determines necessary to facilitate and transact the business of the court.**

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

SECTION 5. IC 33-5-12.1 IS REPEALED [EFFECTIVE JULY 1, 2000].

SECTION 6. [EFFECTIVE JULY 1, 2000] (a) **A judge of the Delaware superior court under IC 33-5-12.1 (repealed by this act) serving on the Delaware superior court on June 30, 2000, is entitled to serve as a judge of the Delaware circuit court created by IC 33-4-12, as added by this act, for a term beginning July 1, 2000. The judge may serve as judge of the Delaware circuit court under IC 33-4-12, as added by this act, until expiration of the Delaware superior court term that the judge was serving on June 30, 2000.**



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**(b) The superior court for Delaware County is abolished as of July 1, 2000, and all matters pending in the Delaware superior court on June 30, 2000, shall be transferred to the Delaware circuit court in accordance with the venue requirements prescribed under Rule 75 of the Indiana Rules of Trial Procedure. These matters have the same effect as if originally filed in or issued by the Delaware circuit court.**

**(c) This SECTION expires January 1, 2003.**

**SECTION 7. [EFFECTIVE UPON PASSAGE] Floyd superior court and Floyd circuit court shall provide for the orderly transfer of probate and trust cases from the Floyd superior court to the Floyd circuit court upon the effective date of this SECTION. IC 33-5-18.1-3, as amended by this act, does not apply to orders issued by the Floyd superior court before the effective date of IC 33-5-18.1-3, as amended by this act. A proceeding or order of the Floyd superior court in a probate or trust matter conducted or issued before the effective date of IC 33-5-18.1-3, as amended by this act, shall be treated on and after the effective date of IC 33-5-18.1-3, as amended by this act, as if the proceeding or order was conducted or ordered by the Floyd circuit court.**

**SECTION 8. An emergency is declared for this act.**

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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

Approved: \_\_\_\_\_

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Governor of the State of Indiana

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