
SENATE BILL No. 223

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-4; IC 33-5-39-7; IC 33-5-44.1-1.

Synopsis: Courts and court officers. Grants the Shelby circuit court concurrent jurisdiction with the Shelby superior court No.1 to hear juvenile cases. Allows a senior judge to serve as a domestic relations mediator. Establishes the Allen County alternative dispute resolution (ADR) program for persons filing legal separation, paternity, or dissolution of marriage actions. Provides that the ADR program may include mediation, reconciliation, nonbinding arbitration, and parental counseling. Adds an additional judge to the Vigo superior court.

Effective: July 1, 2003; January 1, 2004.

Long, Jackman, Lanane

January 9, 2003, read first time and referred to Committee on Judiciary.

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First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

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SENATE BILL No. 223



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

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

1 SECTION 1. IC 33-4-6-2 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The Shelby circuit court has
3 concurrent, coordinate, and coextensive jurisdiction with the Shelby
4 superior court in the following:
5 (1) All civil actions and proceedings, at law or in equity.
6 (2) Divorce and special statutory proceedings and actions.
7 (3) Probate matters and proceedings.
8 (4) Actions by and against administrators, executors, guardians,
9 trustees, and other fiduciaries and personal representatives,
10 including will contests, actions to resist probate of wills, and
11 claims against estates.
12 (5) Criminal proceedings, actions and matters.
13 (b) The Shelby circuit court has concurrent, coordinate, and
14 coextensive jurisdiction with the Shelby superior court in all actions
15 and proceedings, at law or in equity, whether criminal, civil, divorce,
16 or other statutory matters, that are venued from other counties and from
17 any courts in other counties in Indiana.



1 (c) The Shelby circuit court ~~does not have~~ **has concurrent,**
 2 **coordinate, and coextensive** jurisdiction ~~to file, hear, and determine~~
 3 ~~juvenile proceedings or actions or other matters cognizable in the~~
 4 ~~juvenile courts in Indiana. All juvenile jurisdiction is vested~~
 5 ~~exclusively in the Shelby superior court.~~ **with Shelby superior court**
 6 **No. 1 in juvenile matters and proceedings.**

7 (d) The Shelby circuit court has concurrent, coordinate, and
 8 coextensive jurisdiction with the superior court of the county in all
 9 civil, criminal, and statutory actions and proceedings appealed from the
 10 board of commissioners, and any other board, inferior court,
 11 commission, agency, or officer in the county.

12 (e) In the exercise of its criminal jurisdiction, the circuit court may
 13 issue search warrants and warrants for arrest and any other legal
 14 process and find and determine all matters and facts necessary to the
 15 validity of warrants or other process under the Constitution of the
 16 United States, the Constitution of the State of Indiana, and the laws of
 17 this state.

18 (f) The circuit court has concurrent and coextensive jurisdiction
 19 with the superior court in any and all other matters, proceedings, acts,
 20 powers, and duties that are proper to be filed, tried, and determined in
 21 circuit courts and superior courts of general jurisdiction and are not
 22 specifically mentioned in this section.

23 SECTION 2. IC 33-4-8-3 IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2003]: Sec. 3. A senior judge:

- 25 (1) exercises the jurisdiction granted to the court served by the
 26 senior judge;
 27 (2) **may serve as a domestic relations mediator, subject to the**
 28 **code of judicial conduct;**
 29 (3) serves at the pleasure of the supreme court; and
 30 (3) (4) serves in accordance with rules adopted by the supreme
 31 court under IC 33-2-1-8.

32 SECTION 3. IC 33-4-13 IS ADDED TO THE INDIANA CODE AS
 33 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 34 1, 2003]:

35 **Chapter 13. Domestic Relations Alternative Dispute Resolution**
 36 **Sec. 1. This chapter applies to the circuit court and superior**
 37 **court of a county:**

- 38 (1) **having a population of more than three hundred thousand**
 39 **(300,000) but less than four hundred thousand (400,000); and**
 40 (2) **in which dissolution of marriage actions are filed.**

41 **Sec. 2. (a) Notwithstanding IC 33-19-5-4, if a county meets the**
 42 **requirements of this chapter, the clerk of the court shall collect**

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1 from a party filing a petition for legal separation, paternity, or
 2 dissolution of marriage action under IC 31 a civil costs fee of one
 3 hundred twenty-four dollars (\$124).

4 (b) Not more than thirty (30) days after the date the clerk
 5 collects a fee under this section, the clerk shall forward to the
 6 county auditor the difference between the fees collected under this
 7 section and the fees that would have been collected under
 8 IC 33-19-5-4. The county auditor shall deposit the fees forwarded
 9 by the clerk under this section into the alternative dispute
 10 resolution fund of the court for which the fees were collected.

11 Sec. 3. (a) There is established an alternative dispute resolution
 12 fund for the circuit court and an alternative dispute resolution
 13 fund for the superior court.

14 (b) The fund consists of the following:

15 (1) Fees collected under section 2 of this chapter for the
 16 circuit court or superior court, respectively.

17 (2) Copayments collected under subsection (c) for the circuit
 18 court or superior court, respectively.

19 (3) Donations, grants, and money received from any other
 20 source.

21 (c) The funds shall be used to foster domestic relations
 22 alternative dispute resolution, including mediation, reconciliation,
 23 nonbinding arbitration, and parental counseling. Litigants referred
 24 by the court to services covered by the fund shall be required to
 25 make a copayment for the services in an amount determined by the
 26 court.

27 (d) The funds shall be administered by the circuit court or
 28 superior court, respectively.

29 (e) Money in a fund at the end of a fiscal year does not revert to
 30 the county general fund but remains in the fund for the uses
 31 specified in this chapter.

32 Sec. 4. (a) A county that participates in a program under this
 33 chapter must operate its program in accordance with a plan
 34 submitted to the judicial conference of Indiana.

35 (b) A county may amend a plan at any time with the approval
 36 of the judicial conference of Indiana.

37 (c) The judicial conference of Indiana may request additional
 38 information from a county as necessary under this section.

39 Sec. 5. A county that participates in the program under this
 40 chapter shall submit a report to the judicial conference of Indiana:

41 (1) not later than December 31 of each year; and

42 (2) that summarizes the results of the program.

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1 SECTION 4. IC 33-5-39-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) The courts have
 3 the same jurisdiction as the Shelby circuit court, except that **only**
 4 Shelby superior court No. 1 has ~~exclusive juvenile jurisdiction in the~~
 5 ~~county~~. **concurrent, coordinate, and coextensive jurisdiction with**
 6 **the Shelby circuit court in juvenile matters and proceedings.**

7 (b) Shelby superior court No. 2 has a standard small claims and
 8 misdemeanor division.

9 SECTION 5. IC 33-5-44.1-1, AS AMENDED BY P.L.45-2000,
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JANUARY 1, 2004]: Sec. 1. There is ~~hereby~~ established a superior
 12 court in Vigo County, Indiana, which court shall consist of ~~four (4)~~ **five**
 13 **(5)** judges who shall hold their office for six (6) years if they behave
 14 well and until their successors have been elected and qualified. In
 15 addition to the ~~four (4)~~ **five (5)** judges, the judge of the Vigo circuit
 16 court may sit as a judge of said Vigo superior court as provided in this
 17 chapter.

18 SECTION 6. [EFFECTIVE JULY 1, 2003] **(a) The governor shall**
 19 **appoint a person under IC 3-13-6-1(c) to serve as the initial judge**
 20 **added to the Vigo superior court by IC 33-5-44.1-1, as amended by**
 21 **this act.**

22 **(b) The term of the initial judge appointed under subsection (a)**
 23 **begins January 1, 2004, and ends December 31, 2004.**

24 **(c) The initial election of the judge of the Vigo superior court**
 25 **added by IC 33-5-44.1-1, as amended by this act, is the general**
 26 **election on November 2, 2004. The term of the initially elected**
 27 **judge begins January 1, 2005.**

28 **(d) This SECTION expires January 2, 2005.**

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