

# Administrative Rules

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Delaware Circuit Court

**Delaware County**

**Effective**

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**Delaware County Court Administrative Rules**

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**DAR-0001**  
**Jury Management**

The following local rule regarding jury management is now adopted by the undersigned Judges of Delaware County.

**A. Uniform Jury Selection.**

The jury administrator and the supervising judge under the plan will provide a uniform system of jury selection for the courts ensuring that persons selected for jury service are selected at random from a fair cross section of the population of Delaware County. A computerized jury selection system will be fair and will not violate the rights of persons with respect to impartial and random selection of prospective jurors.

**B. Jury Selection Plan.**

The jury administrator, under the supervision of the supervising judge, shall prepare a written plan for the selection of grand and petit jurors in the county. The plan must be designed to achieve the objectives of, and otherwise comply with Indiana Jury Rules. The Jury Selection Plan of the jury administrator is attached hereto and marked as Delaware County Jury Selection Plan.

**C. Master List.**

The jury administrator shall compile and maintain a master list consisting of the approved Jury Pool Master List for Delaware County.

**D. Juror Service.**

Names must be drawn for juror service quarterly, based on a calendar year commencing in January.

1. The jury administrator shall create and file an alphabetical list of names drawn under this section. The alphabetical list may be in the form of a serial listing or discreet computer record filed together to constitute the alphabetical list. Names may not be added to the alphabetical list, except by order of the court. Neither the names drawn nor any list compiled from the alphabetical list may be disclosed to any person other than by order of the supervising judge.
2. Names must be drawn randomly pursuant to Jury Rule 3.
3. Names drawn from the master list may not be returned to the master list until all nonexempt persons on the master list have been called.

**E. Random Drawing of Names.**

1. The master list will contain names in a sequential order, such as a numeric sequence, and drawn randomly from the Jury Management System through INCITE.

## **F. Jury Qualification Form**

The provisions of Jury Rule 4 will be followed in that not later than 7 days after the date of the drawing of names from the master list, the jury administrator shall cause to be mailed to each person whose name is drawn a juror qualification form.

1. The form will be designed to reflect the prospective juror's name, address, and age.
2. Whether the prospective juror is a citizen of the United States and a resident of the county; is able to read, speak and understand the English language.
3. Has any physical or mental disability impairing the person's capacity to render satisfactory jury service
4. If a prospective juror is unable to fill out the form, another person may fill out the form for the prospective juror. If the form is completed by a person other than a prospective juror, the form must indicate that another person has done so and the reason for doing so.
5. If it appears there is an omission, ambiguity, or error in a returned form, the jury administrator shall resend the form, instructing the prospective juror to make the necessary addition, clarification, or correction and to return the form to the jury administrator not later than 10 days after its second receipt.
6. A prospective juror who fails to return a completed juror qualification form as instructed may be directed by the jury administrator to immediately appear before the jury administrator to fill out a juror qualification form.

## **G. Disqualification for jury service**

The supervising judge or the jury administrator shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service.

1. The jury administrator shall enter this determination in the space provided on the juror qualification form or electronically and on the alphabetical list of names drawn from the master list.
2. The ISSUING judge, upon request of a prospective juror, shall determine on the basis of information provided on the juror qualification form, correspondence from the prospective juror, or an interview with the prospective juror whether the prospective juror may be excused from jury service. The jury administrator shall enter this determination in the space provided on the juror qualification form.
3. A person who is not disqualified for jury service may be excused from jury service only upon a showing of undue hardship, extreme inconvenience, or public necessity, until the time of the next drawing when the person is summoned. Appropriate records must be maintained by the jury administrator to facilitate summoning.

## **H. Exemption**

A person who has completed a term of jury service in the twenty-four (24) months preceding the date of the person's summons may claim exemption from jury service.

## **I. Deferral**

The judge or judges' designee may authorize deferral of jury service for up to one (1) year upon a showing of hardship, extreme inconvenience, or necessity. Deferral requests made after the issuance of summons for prospective jury duty must be approved by the Issuing Judge. The Issuing Judge may determine if the deferral request may be made by fax or in person. Deferrals may be given one (1) time per year.

Upon receipt of an order for a grand jury, the jury administrator shall draw at random from the qualified Grand Jury Master List twenty (20) qualified jurors and direct them to appear before the supervising judge. The supervising judge shall randomly select six (6) jurors after explaining to the twenty (20) prospective jurors the duties and responsibilities of a grand jury.

The names of qualified jurors drawn and the contents of the jury qualification forms completed by those jurors may not be made available to the public until the period of service of those jurors has expired. However, attorneys in any cases in which these jurors may serve may have access to the information.

## **K. Preservation of Record**

After the period of service for which names were drawn from the master jury list has expired, and all persons selected to serve as jurors have been discharged, all records and papers compiled and maintained by the jury administrator or the clerk must be preserved by the clerk of the courts for the period prescribed by rule of the Indiana Supreme Court. The records and papers must be available for public inspection at all reasonable times.

**DAR-0002**  
**Jury Selection Plan**

1. The Master Jury List will be created each year during the month of November containing the citizens of Delaware County from Bureau of Motor Vehicles and Indiana Department of Revenue lists for the county eighteen (18) years of age and older. The court administrator will be referred to as the “jury administrator” throughout this plan.
  
2. To create the Master List, the names of persons from the Bureau of Motor Vehicles and Indiana Department of Revenue lists for the county eighteen (18) years of age and older will be provided by the Indiana Supreme Court. Data Processing will retrieve the information through the internet website for INCITE.
  
3. During the first week of the second month of each quarter, the jury administrator will cause a draw of 2,500 names for petit jurors and 100 names for grand jurors from the Master List. Jury Questionnaires will be mailed and processed. A quarterly master list will be kept of all qualified jurors. A separate list of those persons excused from jury service will be maintained in a numerical table.
  
4. To perfect the issuance of a Venire, the court personnel will submit a Venire Order with the cause number, name of case, the number of names to be called, and the date and time of the trial.
  
5. Those persons selected from the random draw will be temporarily removed until all non-exempt persons have been called. All persons seated for jury service within the quarter will be removed permanently from the year’s list, along with those excused or deferred pursuant to statute.
  
6. Non-exempt persons who request to be excused from jury service should first initiate the call through the Office of Court Services. Requests not included, per statute, shall be referred to the issuing court.
  
7. The number of petit jurors that constitutes a panel for criminal C felony offenses and higher (filed prior to July 1, 2014); and Murder or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony offenses, (filed after July 1, 2014) shall be fifty (50) names. An *additional* number of names may be issued for specific cases requiring a larger pool of prospective jurors. The number of petit jurors that constitutes a panel for civil cases shall be thirty five (35) along with class D felonies (filed prior to July 1, 2014); and Level 6 offenses (filed after July 1, 2014); and misdemeanors.

8. The number of grand jurors to be drawn for service will be twenty (20). The procedure for selection shall be the same as the petit jury draw with Data Processing providing the key number and the random selection of numbers to be used.

**DAR-0003**  
**Executive Organization**

**A. Board of Judges.**

The five judges of the Delaware Circuit Court shall constitute the Board of Judges.

**B. Presiding Judge.**

At the annual fall meeting the Board of Judges 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, whose one-year term shall begin the following January 1st. If available, the judge whose term as presiding judge has just ended shall serve as acting presiding judge when the presiding judge is unavailable. The presiding judge shall, as delegated by the Board of Judges:

1. Direct preparation of the agenda and minutes of the Board of Judges meetings;
2. Preside over the Board of Judges meetings and call special meetings as necessary;
3. Ensure efficient operation of the court system and compliance with these Rules;
4. Submit the annual budget for the court system, as approved by the Board of Judges, to include operation of the Delaware Circuit Court's Probation Department;
5. Present to the Board of Judges recommendations as to appointments or selections required of a circuit court judge;
6. Direct preparation and circulation of all annual reports for the court system and amendments to these Rules;
7. Maintain and distribute to the other judges policy manuals covering bond schedules, juror excuses, caseload allocation schedules and other matters pertaining to the day-to-day operation of the court system; and
8. Perform other duties as directed by the Board of Judges or as set out in these Rules.

**C. Quarterly Meeting.**

The Board of Judges shall meet the months designated below to make policy decisions, provide educational reports, and review operations of the court system. The Director of Court Services, hereinafter referred to as the "court administrator" will be required to attend these meetings and participate in discussions. The meeting will be held during the months of January, April, July, October, and December on the 3rd Wednesday at Noon. A schedule of said meeting dates will be delivered each January by the Office of Court Services to each judge, chief adult probation officer, chief juvenile probation officer, and CASA Director.

**D. Fall Meeting.**

Each fall (October) the Board of Judges and the court administrator shall attend an extended meeting to discuss:

1. Selection of the next presiding judge;



2. Implementation of the next annual budget as approved by the County Council;
3. Allocation of caseload;
4. The annual reports and performance of the Adult and Juvenile Probation Department, and the Office of Court Services.

**E. Decisions.**

Whenever an action of the entire court is required, including selection of a presiding judge under I.C. 33-33-18, the judges herein shall act in concert. If the judges disagree, the decision of the majority of the judges controls. Local Rules shall be made by a vote of the majority of the Board of Judges.

**DAR-0004**  
**Caseload Allocation**

**A. Purpose.**

First and foremost, the judicial officers of Delaware Circuit Court shall make thoughtful, timely, reasoned and just decisions. The allocation of caseload must reflect this purpose.

**B. Procedure.**

The Board of Judges annually shall:

1. Review and analyze the statistics on current workload and case flow within the Delaware Circuit Court.
2. Give due weight to the expertise of each judge, the stress associated with certain caseloads, and the goal of keeping each judge competent in all areas of the law.
3. Analyze whether the current allocation is providing excellent public service. There shall be a presumption in favor of the current allocation in order to preserve public confidence in the system, promote stability for the employees of the court system, and avoid inefficient use of personnel, time and resources to effectuate change.

**C. Individual Case Transfer.**

Nothing in this Rule shall preclude the transfer of an individual case from one division of the Circuit Court to another division to promote efficiency and provide for timely resolution of cases. The transferring judge shall direct the Clerk to resubmit the case for transfer to a specific division as designated in the Local Rules of Criminal, Civil, and Small Claims Procedures. In all Orders of Transfer, provisions shall be made to ensure all applicable costs and fees be allocated to the proper cause of action.

*(Amended effective January 1, 2018)*

**DAR-0005**  
**Rules of Practice**

**A. Purpose.**

Local rules of practice and procedure now in existence and not inconsistent with Administrative Rules will continue to be in existence. Any new local rule will be promulgated pursuant to Trial Rule 81.

**B. Procedure.**

Each year the Board of Judges shall review the local rules and shall consider changes and additions suggested by the Delaware County Bar, the prosecuting attorney, the public defender, and the clerk of courts.

**C. Adoption.**

On July 1, 2000, and thereafter as amended, the Local Rules of Practice and Procedure for the Delaware Circuit Court are adopted and effective in all divisions of the Delaware Circuit Court. A copy of the Local Rules shall be forwarded to the Office of Court Services, the Clerk, and the President of the Delaware County Bar Association.

*(Amended effective January 1, 2018)*

**DAR-0006**  
**Budgetary Matters**

**A. Budgets.**

The Board of Judges shall direct the preparation of one unified budget for all divisions of the Court, the Probation Department and the Office of Court Services to be funded from the county general fund upon approval of the County Council, and a separate budget for Title IV-D Court. The Title IV-D Court shall remain separate and apart from the unified budget. The Board of Judges shall further direct the preparation of additional budgets for programs funded by User Fee income upon approval by the County Council.

**B. Annual Procedure.**

Each year the Board of Judges shall establish a schedule of budget preparation, review and submission with the goal of providing for the effective functioning of the Court, as follows:

1. Each judge, CASA Director, and the chief probation officer shall submit written budget requests to the court administrator. These requests shall be specific and well justified in light of the past year's expenditures and the future needs of the offices. Any request shall be submitted by May 15.
2. The Board of Judges shall meet to review the budget requests from the chief probation officer, the court administrator, and CASA Director to establish budget priorities, and to adopt the annual budgets for submission to the County Council.
3. The budget proposals as adopted by the Board of Judges shall be prepared by the court administrator and signed by the presiding judge for submission to the County Council.

**C. Allocation of Resources.**

The Board of Judges shall establish guidelines for allocation of individual line items in the yearly budget approved by the County Council.

**D. Claims.**

Claims shall be submitted to the Office of Court Services for approval by the court administrator and subsequent submission to the Auditor's Office. The court administrator may approve all proper payroll claims and may approve all purchase, travel and training claims not exceeding maximum amounts set by the Board of Judges from time to time. Any claim exceeding these guidelines must be submitted to the Board of Judges for approval.

**E. Transfers Within Budget Categories.**

If the court administrator determines that a transfer is necessary within budget categories, the court administrator shall direct the Auditor's Office to perfect said transfer, following consultation with the presiding judge.

**F. Transfers Between Budget Categories.**

If the court administrator determines that a transfer between budget categories is necessary, a written proposal shall be submitted to the presiding judge for approval prior to submission to the County Council.

**G. Additional Appropriation.**

If the court administrator determines that an additional appropriation is necessary, a written proposal shall be submitted to the Board of Judges.

**H. Mandate.**

No individual judge shall exercise mandates for the adequate provision of court services, personnel, or other expenditures without consultation with the entire Board of Judges. The Board of Judges may exercise mandate authority upon vote of a majority.

*(Amended effective January 1, 2018)*

**DAR-0007**  
**Personnel**

**A. General Organization.** The Delaware Circuit Court employs personnel, as follows:

1. **Court Divisions**  
*Official Court Reporter*  
*Assistant Court Reporter*  
*Court Secretary*  
*Court Bailiff*  
*Master Commissioner*  
*Juvenile Magistrate*
2. **Adult Probation Department**  
*1 Chief Probation Officer*  
*1 Assistant Chief Probation Officer*  
*Adult Probation Officers*  
*Secretaries to assist probation officers*  
*User Fee Clerk/Secretary*
3. **Juvenile Probation Department**  
*Juvenile Probation Officers*  
*Secretary for Juvenile Probation*  
*User Fee Clerk/Secretary for Juvenile Probation*
4. **Office of Court Services**  
*Court Administrator*  
*Administrative Assistant*  
*Jury Administrative Assistant (full time or part-time)*
5. **CASA Office**  
*Director*  
*Volunteer Coordinator*  
*Support Staff (full-time or part-time)*

**B-1. Court Division.**

The Delaware Circuit Court shall have five court divisions as follows: Delaware Circuit Court shall become Delaware Circuit Court No. 1; Delaware Superior Court No. 2 shall become Delaware Circuit Court No. 2; Delaware Superior Court No. 1 shall become Delaware Circuit Court No. 3; Delaware Superior Court No. 3 shall become Delaware Circuit Court No. 4; Delaware Superior Court No. 4 shall become Delaware Circuit Court No. 5. Pursuant to IC 33-33-18-7, the judge of each court division shall have the sole authority to employ an official court reporter, an assistant court reporter, court secretary or secretaries, and a court bailiff to serve at the pleasure of the judge.

The Board of Judges shall appoint and employ master commissioners to full-time and/or part-time positions. The commissioner will not be entitled to practice law. The appointments will be for a two (2) year term. The duties of the master commissioner will be as set out in the Terms of Employment of a Master Commissioner. The juvenile magistrate will be responsible for all juvenile cases, guardianship cases related to CHINS cases, and protective order hearings related to juveniles at the request of the sitting judge.

**B-2. Court Divisions - Title IV-D Court.**

The Board of Judges shall have the sole authority to employ Title IV-D Court personnel and the judge with juvenile jurisdiction shall have the right to terminate their employment after consulting with the Board of Judges. All employees of the Title IV-D Court serve at the pleasure of the Board of Judges. As directed by the Board of Judges, the judge with juvenile jurisdiction shall supervise employees of the Title IV-D Court, and may delegate certain supervisory responsibilities to the staff or designee as set out in the Delaware County Circuit Court Personnel Policy and Procedures.

**C-1. Adult Probation Department.**

The Board of Judges shall have the sole authority to employ Probation Department personnel and to terminate their employment. All employees of the Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of chief probation officer and assistant chief probation officer with the Delaware County Probation Department, and interview and screen applicants for said position. The chief probation officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The chief probation officer shall provide to the Board of Judges a written summary of qualified applicants, with a recommendation of three applicants to be hired by the Board of Judges.

**C-2. Juvenile Probation Department.**

The Board of Judges shall have the sole authority to employ Juvenile Probation Department personnel and the supervising judge exercising juvenile jurisdiction shall have the authority to terminate their employment. All employees of the Juvenile Probation Department serve at the pleasure of the Board of Judges. The Board of Judges shall advertise the position of Chief Probation Officer, and interview and screen applicants for said position. The Chief Probation Officer shall advertise any other available probation position and interview and screen applicants as directed by the Board of Judges. The Chief Probation Officer shall provide to the Board of Judges a written summary of qualified applicants, with a recommendation of three applicants to be hired by the Board of Judges. As directed by the supervising judge exercising juvenile jurisdiction, the Chief Probation Officer shall supervise employees of the Juvenile Probation Department, and may delegate certain supervisory responsibilities to the staff and other employees as set out in the Delaware County Circuit Court Personnel Policy and Procedures.

**D. Office of Court Services.**

The Board of Judges shall have the sole authority to employ personnel in the Office of Court Services and to terminate their employment. The court administrator shall advertise an available position and interview and screen applicants as directed by the Board of Judges. The court administrator shall provide to the presiding judge a written summary of qualified applicants, with the court

administrator's recommendation of three applicants to be hired by the Board of Judges. Employees of the Office of Court Services shall be supervised by the Director of Court Services/Court Administrator.

**E. CASA.**

The Board of Judges shall have the sole authority to employ personnel in the CASA\_Office. The Director of CASA shall advertise an available position and screen applicants as directed by the Board of Judges. The Director shall provide to the judge with juvenile jurisdiction a written summary of qualified applicants, with the Director's recommendation of three applicants to be hired by the Board of Judges. Employees of the CASA Program shall be supervised by the Director. All applicants may be required to take a skills test.

**F. Personnel Policy.**

The Board of Judges shall maintain a written personnel policy setting forth policies and procedures regarding the recruitment, selection, management, and termination of employees and the conditions and expectations of their employment. Each employee shall be given a copy of the personnel policy when employment begins.

*(Amended effective January 1, 2018)*



**DAR-0008**  
**Administrative Management**

**A. Management Team.**

The court administrator, chief probation officer, and CASA director, and presiding judge shall constitute a management team for administrative issues. The team coordinates personnel policy issues and fiscal issues, identifies issues or procedures that may impact outside specific divisions, maintains consistency on administrative issues among the divisions, and addresses other issues and projects within the discretion of the presiding judge.

*(Amended effective January 1, 2018)*

**DAR-0009**  
**Office of Court Services**

**A. Establishment and Purpose.**

The Board of Judges has established an Office of Court Services to coordinate jury management records, statistics compilation, court security, financial planning and budget management, case flow management, and public information and education for the Delaware Circuit Court.

**B. Director of Court Services - Court Administrator.**

As directed by the Board of Judges, the court administrator shall prepare and monitor the court's budgets; coordinate continuing education and training for court personnel; assist in researching, defining, developing and implementing new programs and procedures; attend and coordinate Board of Judges meetings, coordinate and implement court security plans and perform other duties as required.

**C. Other Personnel.**

The Board of Judges, through the court administrator, shall hire additional administrative aides, clerical staff and bailiffs as needed to provide services to the Court.

**D. Financial Planning and Budget Management.**

The Office of Court Services shall be responsible for the preparation, monitoring and coordination of all budgets of the Delaware Circuit Court. All required fiscal reports are prepared for review by the Board of Judges. This office serves as primary liaison with the Auditor's Office, and prepares and submits payroll, claims and employee status reports as required. This office oversees maintenance and service of equipment.

**E. Jury Management.**

The Office of Court Services is responsible for all functions pertaining to the provision of jury panels for the divisions of the Delaware Circuit Court.

**F. Records Management.**

The Office of Court Services is responsible for compiling and reporting all statistical information regarding caseloads and case movement in the divisions of the Delaware Circuit Court. A written report summarizing the activity operation of the court shall be delivered to the Board of Judges by March 31 of each year.

**G. Case Flow Management.**

The Office of Court Services is responsible for assessing case flow and workload distribution to the divisions of the Delaware Circuit Court, and provides supplemental staff when needed and/or available.

## **H. Public Information and Education.**

The Office of Court Services serves as liaison officer between the Delaware County Clerk and the Board of Judges. File stamps are maintained in the Filing Office to facilitate receipt of pleadings and correspondence for local attorneys. File stamps are also maintained in the individual court divisions. Mail receptacles are provided in the Office of Court Services for local attorneys to collect daily distribution of court documents. All questions regarding new filings or other procedures regarding the court shall be brought to the attention of the court administrator by the designated representative of the Delaware County Clerk.

*(Amended effective January 1, 2018)*

**DAR-0010**  
**Probation Department**

**A. Establishment and Purpose.**

As required by Indiana law, the Board of Judges has established a Probation Department to serve all divisions of the Delaware Circuit Court. The Probation Department staff conducts interviews and investigations, prepares Pre-Sentence and Juvenile Reports, and oversees probationers and juveniles for compliance with court orders. These activities are conducted with the goals of rehabilitating offenders and protecting society. Further, the Probation Department develops and maintains community-based alternate correction programs.

**B. Chief Adult Probation Officer.**

As directed by the Board of Judges, the chief adult probation officer shall oversee the efficient operation of the adult probation department; assist in the hiring and discharge of personnel; evaluate and train department employees; compile statistics and create required reports; monitor budget expenditures and outline budget requests; maintain written policies and procedures for the department as provided by the Board of Judges; and perform other duties as required.

**B-1. Chief Juvenile Probation Officer.**

As directed by the Board of Judges, the chief juvenile probation officer shall oversee the efficient operation of the juvenile probation department; assist in the hiring and discharge of personnel; evaluate and train department employees; compile statistics and create required reports; monitor budget expenditures and outline budget requests; maintain written policies and procedures for the department as provided by the Board of Judges; and perform other duties as required.

**C. Procedures.**

The Probation Department shall maintain a written policy, procedure and training manual which sets forth the manner of operation of the department and the duties of each officer or staff member.

**D. Statistics and Reports.**

The Probation Department shall maintain all statistical reports and records required by law and necessary for compliance with grant or program authorities. A written report summarizing the activity and operation of the Probation Department shall be delivered to the Board of Judges by March 31st of each year.

**E. Fees and Costs.**

Court-ordered supervision fees shall be collected by designated staff pursuant to an established system of financial records management. This system, subject to State Board of Accounts audit, shall delineate special funds accounts, maintenance of daily collections and ledgers, and proper deposit and disbursement of funds. An internal audit will be conducted any time the collection clerk or staff responsible for the collection of fees terminates employment.