

INDIANA SUPREME COURT DIVISION OF STATE COURT ADMINISTRATION



Quarterly Case Status Reports

• QCSR •

Instructions

August 2013

Indiana Court Information Technology Extranet

• INcite •

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I. General Information

A. Introduction

The Division of State Court Administration (the Division) is required to gather statistical data on the work of the courts and information on the receipt and expenditure of public money by or for the operation of the courts under I.C. 33-24-6-3 *et seq.* and administrative rules promulgated by the Indiana Supreme Court. Ultimately, these data are compiled and published in the annual Indiana Judicial Report.

B. Report Filing

The Quarterly Case Status Report (QCSR) is the report developed by the Division to collect the required information about the volume and the type of business conducted by the courts and the methods by which cases are disposed.

All reports are filed online using the Indiana Courts Online Reports (ICOR) application through the INCite (Indiana Courts Technology Extranet) website: <https://incite.in.gov>. Passwords to access these applications are distributed through the JTAC Helpdesk at 1-888-275-5822. Each user is assigned his or her own user ID and password. If you already have a User ID and password, you do not need to get a new one each year. Each user must notify the Division if his or her password has been compromised, misused or is known to an employee who is no longer with the court. The judge will be responsible for notifying the Division of any user who has left the employment of the court.

For instructions on how to use Incite and ICOR to file the reports, please see our guide called "Submitting Reports on ICOR- a PowerPoint Presentation." This guide, along with worksheets that may help you collect the information that you will need to fill out the actual reports on ICOR, can be found and printed out from the Indiana Courts Website at www.courts.in.gov/admin/2882.htm.

Under Administrative Rule 1(B)(2), judges may require court clerks, reporters, or other officers or employees to furnish needed information. However, final responsibility for incorrect or incomplete information remains with the judge, regardless of who supplied the original data.

C. Filing Deadlines

The QCSR must be filed with the Division within ten (10) calendar days of the end of each quarter (Admin. Rule 1(B)(3)). The following table reflects the due dates for QCSR reports:

| <u>Quarter</u> | <u>Time Period Reported</u> | <u>Reports to the Division</u> |
|----------------|-----------------------------|--------------------------------|
| Quarter 1 | January - March | April 10 |
| Quarter 2 | April - June | July 10 |
| Quarter 3 | July - September | October 10 |
| Quarter 4 | October - December | January 10(of following year) |

D. Weighted Caseload Measures

The QCSR data filed with the Division is used to compute a weighted caseload measure for each trial court. The weighted caseload measure is an index of the judicial resources or judicial time required to process cases filed in the court. During development of the weighted caseload system, an in-depth study was conducted to determine the average amount of judicial time required (both pre-and post-judgment), to process a case in each of the various case type categories. The study also determined the average amount of time in a year that a judge would be expected to devote to strictly case related work. Starting with a 40 hour workweek, deductions were made for vacation and sick time, and time devoted to administrative matters, continuing education, and other non-case related duties to arrive at the amount of time each year to be devoted to cases. This total was determined to be 80,640 minutes.

Not surprisingly, the weighted caseload study found that not all case types require the same amount of time to process. For example, a murder case will take longer than a speeding ticket. For that reason, based on the study, weights are assigned to cases based on the case type. It is important to report the case in the proper case type category at the time of filing because the "weight" to be assigned to the case is determined at the time of filing.

The weighted caseload measure of a trial court is a reflection of the total amount of judicial resources available to the court, compared to the amount of judicial resources required, on average, to process the cases filed in that court during a year. A weighted caseload measure of 1.0 indicates that the average amount of judicial time required to process all of the cases filed in a

court during a year equals 1,344 hours (80,640 minutes) or the amount of time anticipated to be devoted to that caseload by a single full-time judge. If that single judge court has a weighted caseload measure of 1.5, it is processing a caseload anticipated to be processed by 1.5 judicial officers. If the same court has a weighted caseload measure of 0.5, it is processing a caseload anticipated to be processed by 0.5 judicial officers.

The weighted caseload measures have been widely accepted and are used as a management tool by individual trial courts, by the Indiana Supreme Court, and by the Indiana General Assembly.

E. Case File Status Trial Rule 77(G); Administrative Rule 7; Redocketed Cases; Movement of Cases Between Courts

Under Trial Rule 77(G), the clerk is required to maintain case files in either a pending or decided status. Under the rule, if a decided case is redocketed for consideration by the court, for purposes of applying the retention schedules set forth in Administrative Rule 7, the disposition date is deleted and the case file is returned to pending status until such time as the case returns to decided status and a new disposition date is assigned.

However, for purposes of statistical reporting of the case on the QCSR, we count dispositions and also cases that are transferred-out (to another court in the same county) or venued-out (to a court in another county). This is done in order to reflect the actual “inventory” of cases that the court has pending at the end of the quarter. Therefore, for QCSR purposes, **only one disposition/transfer-out/venue-out per court is counted**. Redocketed cases are not reported on the QCSR. Likewise, if a court has decided a case and a disposition has been entered on the QCSR, if that case is later transferred/venued to another court, the transfer out/venue out is not reported on the QCSR.

For example, a criminal defendant is sentenced to probation in Court A. Subsequently, the prosecutor who prosecuted the defendant is elected judge of Court A. A petition to revoke probation is filed in Court A. The new judge transfers the case to Court B. Court A will not report this transfer-out on the QCSR, because the case had already been disposed once in that court. Court B would report the case as a transfer-in on the QCSR because that case has now been added to that court’s inventory of cases that it must decide; when Court B resolves the probation violation, it will report its disposition of the case on the QCSR.

F. Trial Rule 81.1 Procedures for cases involving family or household members

Effective January 1, 2012, under certain conditions, a court using Family Procedures (defined as coordination of proceedings and processes and information sharing among cases in a court or courts involving family or household members) for a case may exercise jurisdiction over other cases involving the same family or a household (as defined). This new rule provides that cases to which Family Procedures are being applied can retain their separate case numbers **OR** be combined under one case number if multiple cases are being heard before one judge.

When Family Procedures are used, cases originating in other courts may be “pulled” into the court using Family Procedures. If this occurs, the court in which this case originated should close the case using Line S “Transferred out” if it is in the same county as the court using Family Procedures or Line T “Venued out” if it is in a different county from the court using Family Procedures.

The court that decides to use Family Procedures must enter an order notifying all of the parties in all of the cases that the court intends to use the Family Procedures and then, within 30 days, must provide each party a list of all of the cases that have been selected to be heard using Family Procedures. The court can set concurrent hearings on some issues and rule on the admissibility of evidence for each separate case.

The recommended best practice is for courts to maintain the separate case numbers for the cases pulled into Family Procedures.

Using common case numbers could pose challenges to court case management systems, has the potential to skew a court’s statistics, could cause confusion as to the burden and proof, and also could confuse parties on deadlines for when to file appeals and other pleadings. The confidentiality of the records in cases joined under one case number can also become very problematic. Under Administrative Rule 9, the parties to a case have access to all the records in the case (except in certain situations such as protective orders). The new rule provides records excluded from public access remain confidential to the added parties, even if all cases are consolidated into a single case. This means that the record keeper will need to remember somehow which parties in a case can have access to which records.

For all of the above reasons, we recommend that cases not be joined into one case number. This will mean that the court will have to enter similar orders and make entries in each “bundled” case file and CCS.

If a court does decide to consolidate multiple cases into one, the court should pick the one case that will remain as the primary case, should enter an order of consolidation and cause the order to be filed in each case and each CCS. At that time, the court must enter a statistical disposition for each of the case numbers except the one remaining. Only one case will remain as pending. The others cases will be disposed using Line P “Other.”

II. QCSR Overview: Information to be Reported

There are five pages to the report. The first page contains three sections: (1) Preparer Information, (2) Additional Judicial Officers, and (3) Report Verification Information.

The next three pages of the report, Criminal, Juvenile, Civil, are all identical to each other, and each contains 4 parts: Part I. Cases before the Court during the Quarter; Part II. Cases Disposed in the Quarter; Part III. Cases Pending at the end of the Quarter, and Part IV. Other information.

The final page contains 3 parts: Part V. Additional Case Information; Part VI. Alternate Judge Time, and Part VII. Explanation and Comment.

III. Instructions for Preparer Page

The Preparer Information section will list the County, the Court ID number, the time period covered in the report, and the name, phone number and email address of the person preparing the report. If any of the pre-filled in information needs to be updated, please contact the Helpdesk at 1-888-275-5822.

Under the Preparer Information section is a section to enter other judicial officers who are regularly assigned to the court. These would include magistrates, commissioners or hearing officers. List the title of the judicial officer, the judicial officer’s name, and the number of days per week or fractions of days per week that the additional judicial officer is assigned to

your court. (For additional explanation, see Appendix A.) If you don't have any additional judicial officers assigned to your court, you must check the box that affirms that no magistrate, etc. is assigned to the court.

Finally, on the first page you must enter the name of the presiding judge for the court. When you have completed the first page, select the save draft or save final icon in the status box. "Save Draft" will turn the preparer page icon yellow; "Save Final" will turn the icon green. The report will not be submitted until all five icons (Preparer, Criminal, Juvenile, Civil, Parts V, VI, VII) are green and the SUBMIT icon has been selected. Once submitted, the report icons turn blue and state "Submitted." This will lock the report and you cannot make changes. If you discover that you need to make a correction after you have submitted the report, you will need to contact the helpdesk and ask that the report be unlocked so that you can make your changes.

IV. Instructions for Criminal, Juvenile, Civil pages

A. Overview

To count the number of cases that are handled by the court in the quarter, the report employs a grid that is broken down into three broad case type categories: Criminal, Juvenile and Civil. Across the top of the grid, each numbered column represents a designated case type, and going down the report the lettered lines represent either an activity or a calculation of the number of cases in each category as shown in the following illustration.

| QCSR CRIMINAL | | | | | | | | | | | |
|---|-----------|--------------------------------|----------------|----------------|----------------|----------------|-----------------|----------------------|------------------------|-------------|--------------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | Criminal Felony (pre 1/1/2002) | Class A Felony | Class B Felony | Class C Felony | Class D Felony | Post Conviction | Criminal Misdemeanor | Miscellaneous Criminal | Infractions | All Ordinance Violations |
| WCL Factors> | 1209 | 155 | 359 | 218 | 211 | 125 | 345 | 40 | 18 | 2 | 2 |
| PART I: BEFORE COURT | MR | CF | FA | FB | FC | FD | PC | CM | MC | IF | OV, OE |
| A Previously Pending | 1 | 7 | 8 | 35 | 99 | 343 | 8 | 72 | 17 | 0 | 0 |
| B New Filings | 0 | X | 0 | 5 | 21 | 84 | 0 | 6 | 502 | 0 | 0 |
| C Venued In | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| D Transferred In | 0 | 0 | 0 | 1 | 0 | 3 | 0 | 2 | 0 | 0 | 0 |
| TOTAL CASES BEFORE COURT (add A through D) | 1 | 7 | 8 | 41 | 120 | 430 | 8 | 80 | 519 | 0 | 0 |

If your court does not handle cases in one (or more) of these broad categories, click the button for that category. The grid for that broad category will then open; scroll down and click the box where you affirm that this page does not apply, and hit the "Save Final" icon. Then move on to the next broad category, and either repeat if your court doesn't handle cases in that category either, or if your court does handle at least one case type within that broad category, enter your data in the section that does apply to your court.

B. Instructions for Columns: Case Type Descriptions

Columns: Case Types

Each case type as established by Administrative Rule 8 is defined and examples are given of common cases included in the case type. The examples provided in this manual do not represent an exhaustive list. However, additional examples may be found in our online "QCSR Case Type Quick Reference Guide" at www.courts.in.gov/admin/2462.htm. Each case type is also referenced by number, which corresponds with the column number included on the matrix.

Criminal Jurisdiction

Each defendant is reflected as a single case (Admin. Rule 1(B)(4)). When a person is charged contemporaneously with multiple criminal offenses or infractions arising out the same incident, only one new filing will be reported in the category of the most serious charge against the defendant. The case will remain in that category even if charges are later amended or if the defendant is convicted of a lesser offense. There are two limited exceptions to this rule:

1. A previously filed case is amended to include a charge of Murder. This exception is explained under the description of the MR – Murder case type.
2. A previously filed case is dismissed without prejudice by the prosecutor who then files a new case which includes some or all of the charges from the dismissed case plus an even more serious charge against the defendant. The new case would receive the case type of the most serious charge.

If multiple individuals are jointly charged with one or more offenses, the report should reflect the number of cases filed as equal to the number of

individuals charged. A separate case number is assigned to each defendant even if both defendants are charged in the same charging Information or indictment. Case disposition may vary as to each defendant. Beginning January 1, 2011, counts or citations charging ordinance violations are not to be included as counts in a criminal case that charges crimes or infractions. The Prosecutor's Office should provide charging information at the time of case filing that includes the most serious charge of the offenses. Murder (MR) is the most serious level of criminal offenses, followed in descending order of seriousness by Class A felony, Class B felony, Class C felony, Class D felony, Class A misdemeanor, Class B misdemeanor, Class C misdemeanor, and infractions.

1. MR – MURDER

All murder cases, as defined by I.C. 35-42-1-1, filed on or after 1/1/2002 will be reported under the MR category. If the State has sought either the death penalty or life without parole, this information should be recorded in Part V of the QCSR. If a court encounters a case that is amended to reflect a murder charge, the initial criminal case should be reported disposed under the "other" category on Line P. of the QCSR and this disposition explained in Part VII. No further statistical reporting would occur for the initial criminal case. The court should note the filing of the Amended Information in the initial case and order the clerk to

1. open a new MR case,
2. transfer all documents in the initial criminal case file to the new MR case file, and
3. file all future pleadings, motions, notices and orders under the new MR case number.

This order should be entered into the RJO and noted on the CCS of the initial criminal case. The CCS for the new MR case should contain an entry that an Amended Information charging Murder was filed in the initial criminal case and that the court ordered that a new MR case number be assigned and that all documents filed in the initial criminal case be transferred to the new MR case file. For statistical reporting, this new MR case should be reported as a new filing so that the Court receives weighted caseload credit for a murder case which carries substantially more weight than any other case type.

2. CF – CRIMINAL FELONY

Although no new filings are permitted for this category, all Class A, B, and C felony cases filed prior to 1/1/2002 were reported under the CF category. Even though new filings under CF are prohibited, existing cases with a CF designation are still disposed, transferred and venued in this category.

3. FA – CLASS A FELONY

All Class A felonies filed on or after 1/1/2002, are reported under the FA category.

4. FB – CLASS B FELONY

All Class B felonies filed on or after 1/1/2002 are reported under the FB category.

5. FC – CLASS C FELONY

All Class C felonies filed on or after 1/1/2002 are reported under the FC category.

6. FD – CLASS D FELONY (with previous DF's combined)

All Class D felonies filed on or after 1/1/2002, are reported under the FD category.

Previously filed DF cases are included in this case type, even though the cause number has not been changed. If a DF is transferred or venued into a court, it will be assigned the FD case type. Contact the helpdesk if you have difficulty in combining the two case types.

7. PC – POST-CONVICTION RELIEF

All petitions for post-conviction relief filed pursuant to the Rules on Post Conviction Remedies are reported in this case type. If a defendant files a petition according to Rule PC 2, the clerk will assign the case a PC case type and when the court has determined whether the belated filing may be considered timely filed, the Court will dispose the case by "Bench Trial" or "Bench Disposition" (Lines G or H) and the Notice of Appeal, Motion to

Correct Error or Appeal will be filed under the original criminal case. When a PC case is filed, the Clerk will not charge filing fees in accord in Rule PC 1§2. Examples of a PC case:

Late appeal requests

Request for dismissal based on new evidence (i.e. DNA evidence).

Under the PC rules, a Public Defender may discuss the merits of the PC filing and if he or she determines the case lacks merit, may withdraw as counsel and certify to the Court that he or she discussed the merits of the filing with the defendant and conducted an investigation. The defendant is permitted under the same rule to proceed *Pro Se* in the case but after the withdrawal, most defendants simply let the case languish. In order to clear up the docket for languishing PC cases, the Court may set the case for a status conference hearing to determine if the defendant wishes to pursue the case and if he or she does, the Court will set the case for hearing. If the defendant does not respond or indicates that the case may be dismissed, the Court can dispose of the case on Line I, "Dismissed."

8. CM – CRIMINAL MISDEMEANOR

All misdemeanor classes (Class A, Class B, and Class C) are combined in this case type.

If a misdemeanor case is pending and the same defendant is subsequently charged with a felony, the cases should only be transferred to the same court *if the charges arise from the same incident*. If they represent two distinct criminal acts, then the defendant will have two criminal cases pending simultaneously. If the charges relate to the same action, the prosecutor should dismiss the misdemeanor case and amend the charging Information in the felony case to include the misdemeanor charges. Otherwise, the court can conduct the case proceedings in both courts. Transfer of a case to the court hearing the felony case is improper without court order. If the court orders the transfer, that transfer is entered on Line S, "Transferred Out."

9. MC – MISCELLANEOUS CRIMINAL

This case type includes criminal matters not classifiable as Felony or Misdemeanor, and which are not part of an ongoing proceeding for which a criminal case type has already been assigned.

Illustrative examples include **probable cause hearings or review of probable cause affidavits in a case not yet filed, petition for appointment of a special prosecutor, or extradition**. A court may make a probable cause determination based on a written affidavit, sworn testimony at a hearing, or a combination of both. If the prosecutor has not filed a formal charge (indictment or information) either before or contemporaneously with the probable cause hearing or the judge's review of the probable cause affidavit, then the hearing or affidavit review is to be assigned an MC case type. The case is disposed by bench disposition when the judge makes the decision as to the existence of probable cause. If criminal charges are ultimately filed, the criminal case should be given the appropriate case type for highest class of crime charged in the information or indictment. However, if the prosecutor files the indictment or information either before or contemporaneously with the probable cause affidavit or hearing, then there is no separate case number assigned to the hearing or the judge's review of the probable cause affidavit because these are connected to an ongoing criminal proceeding at this point.

MC also applies when a **search warrant is issued before charges are filed**. In these circumstances, the court should issue a MC case number for the search warrant and count the case as disposed under the "Bench Disposition" category when the warrant is issued or issuance is denied by the judge.

Another example is when a court cites a person for **criminal contempt**. You should distinguish this matter from civil contempt, which is contempt of a court order and should be handled under the case where the order arose.

Sometimes **grand jury proceedings** are given case numbers. If the charges have not been filed, the case receives an MC case type. Disposition of a grand jury proceedings is entered on Line P, "Other" rather than another disposition because of the nature of the decision—the jury makes the decision rather than a judge. In Part VII, enter the description, "Grand jury proceeding."

In a very limited instance, this case type is also used in cases where the prosecutor seeks a **court order to seize property for forfeiture**. A Forfeiture case is a civil proceeding and is given an MI case type, not MC. However, the prosecutor or law enforcement may request a court order to seize property that is subject to forfeiture under I.C. 34-24-1. If the seizure request/motion/petition is filed simultaneously or after the Complaint for Forfeiture is filed, the request to seize property does not receive a separate case number; it is simply a petition filed under the MI case number assigned

to the forfeiture case. However, if the prosecutor requests a court order for seizure of property subject to forfeiture without a Complaint for Forfeiture being filed or having been filed, then the request/petition/motion is assigned an MC case type. The MC case is closed when the order is signed. This exception exists because even though forfeitures are civil actions, the property subject to seizure also generally constitutes evidence that might be used in a criminal prosecution. An order for seizure under I.C. 34-24-1-2 is not a search warrant, but applies the same probable cause analysis as it would for a search warrant and thus is assigned an MC case type. If the seizure for forfeiture was assigned an MC case type, any return of property proceeding would require the case to be redocketed and thus not reflected on the statistics.

If property was seized by a law enforcement agency and held as evidence in a criminal case under IC 35-33-5-5, the law enforcement agency holds the property under the order of the court trying the case. A request for return of property under this circumstance would be filed in the court trying the case under that case's case number, and is not filed as a new case.

Another example is when the court issues an **investigatory subpoena** authorized by I.C. 33-39-1-4 and *Oman v. State*, 737 N.E.2d 1131 (Ind. 2000). Each subpoena issued receives its own case number. The case is closed by bench disposition when the judge authorizes, or declines to authorize, issuance of the subpoena.

In accord with I.C. 35-38-5-1, **expungement petitions for adult records** are filed in the criminal case related to the records. If the expungement petition relates to an arrest for which the defendant was not formally charged by Information or indictment and no case number was assigned, the case is given a MC case type and filed in the court with criminal jurisdiction in the county where the arrest occurred.

Petitions to Restrict Disclosure of Criminal Proceedings (I.C. 35-38-5-5.5 *repealed July 1, 2013*). A person may file this type petition if he or she was charged with a crime but (1) not prosecuted or the charges were dismissed, (2) acquitted of all criminal charges or (3) convicted of the crime but the conviction was subsequently vacated. This petition should be filed in the criminal case if one exists or given the MC case type if no criminal case was filed. No filing fees are required. Do not confuse this type petition with a Petition to Restrict Access to Conviction Record (I.C. 35-38-8) which is given the MI case type.

Petition to Expunge (Seal) Arrest Record that did not lead to conviction or juvenile adjudication (I.C. 35-38-9-1). This petition should be filed under the existing criminal case, if one exists, or if no criminal case exists, given the MC case type.

The MC case type is also used for **probation transfers** received from another county in Indiana (intrastate) or from another state (interstate). When creating an MC case for a probation transfer, the courts are to dispose of the case statistically at the time it is opened. The statistical closure to be used is Line N, "Closed." See appendix B for details on sending/receiving probation transfers.

The MC case type is also used when a **Re-entry Court case is received from another county**.

Civil Violations

10. IF – INFRACTIONS

This category includes all infractions. As with criminal cases and ordinance violations, multiple offenses (i.e. multiple tickets or citations issued to the same individual or arising from the same circumstances), result in only one case filing, even if the various offenses differ in severity or in sanction.

11. OV/OE – ORDINANCE VIOLATIONS

This category involves local ordinance violations. Administrative Rule 1(B)(4) was amended, effective January 1, 2011, to prohibit ordinance violations from being included as counts in a criminal case. Crimes and infractions are brought in the name of the state and are prosecuted by the prosecuting attorney; ordinance violations are brought in the name of the municipal corporation. For the purposes of this report, all ordinance violations filed with the court should be reported in this category. If an ordinance violation must be enforced through court proceedings, it is given an OV case type. If the defendant is found to have violated the ordinance, the violator will be assessed the filing fee. **Moving traffic violations must be enforced through a court proceeding**, according to I.C. 34-28-5-1 *et. seq.* and are given an OV case type.

As with criminal cases and infractions, multiple offenses (i.e. multiple tickets or citations issued to the same individual or arising from the same

circumstances), result in only one case filing, even if the various ordinance offenses differ in severity or in sanction.

A municipal corporation may enforce some ordinance violations without proceeding in court if the municipality's legislative body has designated a schedule of the ordinances that can be enforced through a municipal ordinance violations clerk. Cases disposed by a municipal ordinance violation bureau or violations clerk should not be reported on the QCSR because these cases **do not** enter the court system. Previous versions of the QCSR manual instructed courts to use the OE (Exempt Ordinance) case type when a defendant chose to exercise the right to trial for an OV case that could have been paid at the municipal ordinance violations bureau however since a court does not treat this type of violations case differently from any other OV case, there is no need to use the OE case type. **The OE case type still exists however there are no current situations in which it should be used.**

Brief Summary of Municipal Ordinance Violations Bureaus

1. A municipal corporation may enforce some ordinance violations without a court proceeding using a municipal ordinance violations bureau.
2. There are three ways a municipal corporation may establish a municipal ordinance violations bureau:
 - Local ordinance or code. See IC 33-36-2-1.
 - Default (by statute the clerk or clerk treasurer of the municipal corporation is designated the violations clerk). See IC 33-36-2-2.
 - Interlocal agreement. See IC 33-36-1-7 and IC 33-36-2-4.
3. The legislative body of the municipal corporation must designate, by ordinance or code, a schedule of ordinance/code provisions of the municipal corporation that may be admitted and paid to the violations clerk. This schedule must indicate the exact amount of civil penalty to be assessed to the violator who elects to admit a violation not a range of possible penalties. A range of possible penalties indicates a judge must decide the amount of the penalty to assess. If no schedule exists, or if the schedule only gives a range of penalties for a violation, the ordinance violation must be heard in court as a regular OV case. See IC 33-36-3-1(a).
4. The municipal ordinance violations bureau is run by a violations clerk appointed by the legislative body of the municipal

corporation or, if no violations clerk has been appointed, the clerk or clerk treasurer is designated the violations clerk. See IC 33-36-2-1 and IC 33-36-2-2.

5. Ordinances defining moving traffic violations **may not** be paid to the violations clerk for the Municipal Ordinance Violations Bureau. See IC 36-1-6-3(c). The violations clerk for the Traffic Violations Bureau may be allowed to take payment on moving traffic violations. See the explanation of Traffic Violations Bureaus on Line M. The violations clerk for the Municipal Ordinance Violations Bureau may also be the violations clerk for the Traffic Violations Bureau, so there is the potential for confusion.
6. The violations clerk can only accept payments of civil penalties of \$250 or less. If the penalty exceeds \$250, the violations clerk cannot accept it and the ordinance violation must be heard in court as a regular OV case. See IC 33-36-2-3.
7. The violations clerk may accept payment if the person charged with the offense is willing to waive the right to trial, admit to the violation and pay the stated penalty. See IC 33-36-3-2 and IC 33-36-3-1(b). This admission is not a judgment and ordinance violation court costs (currently \$70) **are not** assessed. See IC 33-36-3-6(a). The civil penalties collected **are not** court revenue and **should not** be reported on the court's Annual Revenue Report since the ordinance violation did not go through the court. Instead, the civil penalties must be accounted for by the violations clerk and paid to the municipal corporation as provided by law (unless there is an interlocal agreement) under procedures provided for by the state board of accounts. See IC 33-36-3-1(b); IC 33-36-2-4; and IC 33-36-3-7(b).
8. If the person wants to challenge the offense, admits to the offense but fails to pay the penalty, or fails to take any action, the clerk must report this action to the official having responsibility to prosecute ordinance violation cases for the municipal corporation. It is up to this official to initiate court proceedings on this ordinance violation in these situations, not the clerk. See IC 33-36-3-3 and IC 33-36-3-5.
9. If an ordinance violation charge ends up in court, the case should be opened as an OV and regular ordinance violations court costs (currently \$70) must be assessed **unless** the defendant was tried and the court entered judgment for the defendant for the violation. See IC 33-37-4-2(d).

Juvenile Jurisdiction

Each child who is the subject of a CHINS (JC), Delinquency (JD), Status (JS), Termination of Parental Rights (JT), Paternity (JP) and Juvenile Miscellaneous (JM) shall receive a separate case number, regardless of his or her familial relationship to another child. This does not affect the court's ability to try related cases and juveniles as one or the court's ability to waive multiple court costs in related cases. For case types JC, JT and in certain circumstances, JD, the court will exercise juvenile jurisdiction if the child is under eighteen (18). According to I.C. 31-30-2-1 a court may retain jurisdiction in a JD or JC case until the child is twenty-one (21). Only one (1) Juvenile Paternity (JP) case number shall be given, regardless of the number of possible fathers identified.

| 12 | 13 | 14 | 15 | 16 | 17 |
|-------------------|-------------------------|--------------------|-----------------------|---------------------------|--|
| Juvenile CHINS | Juvenile Delinquency | Juvenile Status | Juvenile Paternity | Juvenile Miscellaneous | Juvenile Term. Of Parental Rights |
| 209 | 60 | 58 | 82 | 12 | 475 |

12. JC – JUVENILE CHINS

This category reflects those cases before the court where a child is alleged to be in need of services as defined by I.C. 31-34-1-1 *et seq.* The case is counted as a "New Filing" when a petition alleging that a child is in need of services is filed. A separate case number must be given to each child and **only one case number**, regardless of how many parents or guardians are named.

A child in need includes situations in which a child needs care, treatment or rehabilitation that the child is not receiving and is unlikely to receive without the intervention of the court. It may include circumstances where the child's physical or mental condition is seriously impaired or seriously endangered. Examples include:

| | |
|---|----------------|
| Child not supplied with necessary food, clothing, shelter, medical care, education or supervision | I.C. 31-34-1-1 |
| Child's physical or mental health is seriously endangered due to injury by the act or omission of a parent/guardian/custodian | I.C. 31-34-1-2 |
| Child is victim of a sex offense | I.C. 31-34-1-3 |
| Child is allowed to perform in an obscene performance | I.C. 31-34-1-4 |
| Child is allowed to commit a sex offense | I.C. 31-34-1-5 |
| See also I.C. 31-34-1-6 through I.C. 31-34-1-11 | |

A JC case is reported as disposed once the Dispositional Hearing has occurred although it may be years before the wardship is discharged/ended.

School truancy cases which result in an informal adjustment should be filed under the Juvenile Miscellaneous (JM) category and should not be filed as a JC or reported in this category unless the truancy poses a serious endangerment to the child resulting in the filing of a CHINS petition alleging educational neglect under I.C. 31-34-1-1. Truancy cases that become CHINS cases and are issued JC case numbers are subject to the same notice requirements, hearing requirements, periodic review requirements, and records retention requirements established by the CHINS statutes and court rules.

If an informal adjustment is filed on a child according to I.C. 31-34-8-1 *et seq.*, it must be assigned a JM number and not a JC case number.

13. JD – JUVENILE DELINQUENCY

This category reflects cases where a child is alleged to be delinquent. A child is delinquent if before becoming eighteen (18) years of age, the child commits an act that would be an offense if committed by an adult (I.C. 31-37-1-2). According to this code cite, a child commits a delinquent act until the age of eighteen (18) unless the acts are exempted from juvenile jurisdiction per I.C. 31-30-1 *et seq.* If the court determines that the juvenile's case should be waived to criminal court, the disposition is entered on Line I, "Dismissed," because the case will be filed as a criminal case, rather than disposed of by the juvenile court.

14. JS – JUVENILE STATUS

This category reflects cases where a child is charged with committing an act that would **not** be an offense if committed by an adult. Status offenses may include situations where a child commits a delinquent act and needs care, treatment, or rehabilitation that the child is not receiving or is unlikely to accept voluntarily without the intervention of the court. Delinquent acts include:

| | |
|---|----------------|
| Leaving home without reasonable cause and without permission | I.C. 31-37-2-2 |
| Failing to attend school in violation of compulsory school attendance | I.C. 31-37-2-3 |
| Habitually disobeying the reasonable and lawful commands of a parent/guardian/custodian | I.C. 31-37-2-4 |
| Violating Curfew | I.C. 31-37-2-5 |

15. JP – JUVENILE PATERNITY

This category includes Paternity actions filed by any party, including the prosecutor. A separate case number should be given to each child. A **support action** where paternity was established by paternity affidavit would receive a JP classification. Even if a protective order is entered involving the parent and child, do not consolidate the PO case with the JP case. You may “bundle” or “rubber band” the files and hold simultaneous hearing on the cases, but keep the files separate and make separate entries on the CCS for all related findings and

In the event the prosecutor and the putative father agree on paternity, the disposition of the case is entered on Line L, “Admission.” An Admission can be entered at any time in the judicial process however, the “Admission” disposition code should generally be used only if an Admission is entered before the case proceeds to court. Once the case proceeds to court, even if an Admission is entered, the case should be disposed by “Bench Disposition” or “Bench Trial” depending on whether testimony was heard or evidence entered.

Many courts have approved ADR plans. If your county participates in the ADR program, all JP cases will have entries on Line X, “Cases referred to ADR.”

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16. JM – JUVENILE MISCELLANEOUS

These cases are juvenile matters that do not fall under other categories, including court approval of informal adjustments. If an informal adjustment (JM) is filed and the terms are later violated and a delinquency petition is filed, the JM should be identified as "Bench Disposition," on Line H, and a JD case is opened as a New Filing; if the informal adjustment violation does not result in a subsequent delinquency or status filing, the hearing and decisions made in the informal adjustment case are considered post-judgment proceedings. School truancy cases should be filed as JM if the case is handled as an informal adjustment. If a CHINS petition alleging educational neglect under I.C. 31-34-1-1 is filed, however, the case should be assigned a JC case number.

In the event a court must issue a search warrant against a juvenile prior to a petition being filed, the search warrant is given a JM case type rather than MC, as given to regular search warrant petitions. The reason is that the juvenile cases are deemed confidential by statute and thus the search warrant filing will automatically be confidential as well. Also, if a court must enter a protection order under I.C. 31-34-2.3, JM is the case type assigned, rather than PO. The reason is the same as with the search warrant example – the entire file is deemed confidential.

An informal adjustment filed according to I.C. 31-34-8-1 *et seq.* (which may require participation from the child, the parents, guardians and/or custodians), should be assigned a JM number rather than a JC case number.

Several courts have assigned informal adjustments the incorrect case type. A court approved informal adjustment recommendation from the Juvenile Probation Department is given a JM case type and the disposition is entered on Line G or H depending on whether a hearing was conducted.

In 2012, the General Assembly created the collaborative care program (funded by Title IV-E of the Social Security Act) to provide services to older youths who are ready to age out, or who have previously aged out, of the juvenile justice system as children in need of services (CHINS). See I.C. 31-28-5.8. Courts may approve collaborative care agreements and retain jurisdiction over an older youth who has entered into a voluntary collaborative care agreement with the Department of Child Services (DCS). These cases will be brought by DCS attorneys filing a Joint Petition to allow the older youth to enter a collaborative care program or to approve a

collaborative care agreement. Federal eligibility regulations require the youth be discharged as a CHINS before a collaborative care case be opened so the clerk must ensure that the Order Discharging the youth is entered on the CCS of the underlying CHINS case before the collaborative care case is opened. The Clerk should file the DCS petition as a JM case under the name of the older youth (who was the prior CHINS) and the case will be confidential under Administrative Rule 9(G). The JM collaborative care case remains open until the court enters an order closing the Collaborative Care and terminating jurisdiction over the youth.

17. JT – TERMINATION OF PARENTAL RIGHTS

All proceedings for termination of parental rights must be given a JT case number and docketed separately from other proceedings involving the same child. (*State ex. rel. Gosnell v. Cass Circuit Court*, 577 N.E.2d 957 (Ind. 1991)). In termination of parental rights cases involving multiple children, a separate case number must be assigned to each child. The court may conduct the hearings simultaneously and “bundle” or “rubber band” the files together for ease of process.

Civil Jurisdiction

Civil Jurisdiction cases are filed when the plaintiff or petitioner seeks monetary damages or Court redress.

| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
|------------------------------------|---------------|-------------------------|------------------|------------|--------------|-----------------------|-----------------------|---------------|
| Civil Plenary (pre 1/1/2002) | Civil Plenary | Mortgage Foreclosure | Civil Collection | Civil Tort | Small Claims | Domestic Relations | Reciprocal Support | Mental Health |
| 121 | 121 | 23 | 26 | 118 | 13 | 185 | 31 | 37 |
| CP | PL | MF | CC | CT | SC | DR | RS | MH |

18. CP – CIVIL PLENARY (filed before 1/1/2002)

The CP designation is no longer used to report new filings. All cases designated as CP before 1/1/2002, however, will remain as CP cases for venue, transfer and disposition reporting.

19. PL – CIVIL PLENARY

All Civil Plenary cases filed on or after 1/1/2002 must be reported under the PL category. The PL category is used for any civil case not easily categorized in a more specific civil category. Generally, these cases may be more complex cases not involving a mortgage foreclosure or the collection of an outstanding debt; the case may also be seeking non-monetary recovery. Frequently cases involving contract disputes are assigned to this category. Another example of a case that falls within this category is a case where the plaintiff or petitioner seeks equitable or injunctive relief. Quiet Title Actions also should receive the PL case type.

20. MF – MORTGAGE FORECLOSURES

All mortgage foreclosure cases filed on or after 1/1/2002 will be reported under the MF category regardless if the complaint requests *in rem* or *in personam* jurisdiction.

21. CC – CIVIL COLLECTION

All civil collection cases filed on or after 1/1/2002 will be reported under the CC category. CC cases may include the following: suits on notes and accounts, general collection suits, landlord and tenant suits for collection, ejectment, eviction and renewal complaints to renew a judgment lien that is about to expire.

Cases that are filed on the small claims docket of a court or in the small claims division of a multi-division court shall continue to be issued an SC case designation, including eviction cases that meet the restricted dollar amount.

22. CT - CIVIL TORT

All civil cases founded in tort and filed on the regular civil docket of the court are counted in this category. In general terms, a tort is wrongful act, not including a breach of contract, which results in injury or damage to a person or property. Common examples of tort actions include personal injury actions, medical malpractice, libel or slander, trespass, etc. Although not really a tort action, a **wrongful death action** should be given the CT case type as most are based on torts. Torts that are filed on the small claims docket of a court or in the small claims division of a multi-division court shall

continue to be issued an SC case designation.

23. SC – SMALL CLAIMS

Cases filed on the small claims docket of the circuit or superior court as established by I.C. 33-28-3-2 *et seq.*, I.C. 33-29-2-2 *et seq.*, and Small Claims Rule 1 are given this case type. While city and town courts may have cases that fall within the monetary limits of small claims jurisdiction, those cases are not defined as small claims by the statutes cited above, and must be filed as PL (Plenary) or CC (Civil Collections) cases depending upon the nature of the action.

24. DR – DOMESTIC RELATIONS

This category includes petitions for dissolution of marriage, petitions for legal separation and petitions to establish child support. When a petition for legal separation is filed, the case is assigned a DR number. If a party files a petition for dissolution according to I.C. 31-15-2 *et seq.*, the case will retain the original number assigned and not receive a new number, *unless* the Decree of Legal Separation was signed more than one (1) year before the dissolution petition was filed. Please note that when a petition for legal separation is filed and the separation is decreed, the case is statistically disposed by “Bench Trial” entered on Line G, and the separation expires one (1) year after the decree is signed. (I.C. 31-15-3-9) Because the case has been reported disposed, if a party subsequently files a petition for dissolution within the year, the filing and all activity following is not recorded as a separate disposition.

Counter-petitions for separation or dissolution, citations, and petitions to modify are not assigned new case numbers and are not to be reported as separate cases unless no prior case exists. In each of these situations, subsequent filings should be shown filed under the original case number and if the separation or dissolution has been decreed, the filings are post-judgment proceedings.

Counties with approved ADR plans will enter all DR case filings once on Line X, “Cases Referred to ADR.”

25. RS - RECIPROCAL SUPPORT

This category should include the registration of foreign support orders under the Uniform Interstate Family Support Act (UIFSA) I.C. 31-18-1 *et seq.* (including those based on paternity) and petitions for modification of support or custody and/or support under the Uniform Child Custody Jurisdiction Act, I.C. 31-21-1 *et. seq.*

26. MH – MENTAL HEALTH

This category includes petitions for emergency detention for temporary commitment and for regular commitment. A report following emergency detention uses the case number assigned to the petition for emergency detention and is not assigned a new number. Likewise, treatment plans and periodic reports are filed under the original case number. These matters are reported as disposed on Line G or H “Bench Trial” or “Bench Disposition” when the court enters an order terminating the commitment or Line N “Closed” when the court receives a notice of discharge from a mental health facility.

| 27 | 28 | 29 | 30 | 31 | 32 | 33 |
|-----------|---------------------------------|------------|---------------|--------|-------------------|---------------|
| Adoptions | Adoption History (pre 1/1/2002) | Estates | Guardianships | Trusts | Protective Orders | Miscellaneous |
| 53 | 53 | 85 | 93 | 40 | 37 | 87 |
| AD | AH | ES, EU, EM | GU | TR | PO | MI |

27. AD – ADOPTION

An AD “New Filing” is created when a petition for adoption is filed, and is disposed when the court enters a final decree or where the petition is dismissed. As of 1/1/2002, AD cases include petitions for adoption as well as petitions for release of adoption information.

Sometimes siblings are adopted simultaneously. As with other cases involving juveniles, each child’s adoption should receive a separate case number. The judge can waive the second filing fee however.

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28. AH – ADOPTION HISTORY

The AH designation is no longer used to report new filings, but prior to 1/1/2002 this category included petitions for release of adoption information filed according to I.C. 31-19-24-1 *et seq.* Although no new case should receive an AH, any existing AH cases should retain the AH designation for venue, transfer and disposition reporting.

29. ES/EU/EM – ESTATES

For QCSR reporting purposes, all estate case types will be collectively reported in this column. This category includes all cases involving the administration of estates (supervised and unsupervised); distribution of a decedent's assets without opening an estate, and other miscellaneous matters related to estates.

Probate Estates

All probate estates should be opened as supervised (ES) unless the court grants a petition requesting unsupervised administration (EU). A petition for unsupervised administration is typically combined with a petition for probate of the will, for letters testamentary, or for appointment of an administrator. If the requirements in I.C. 29-1-7.5-2(a) or (b) are met, the court may grant a petition requesting unsupervised administration. When the estate has been probated and/or all challenges have been resolved, the court reports the estate as "closed" on line N.

In accordance with I.C. 29-1-7.5-2(d), courts may revoke an order of unsupervised administration; thus an EU can be changed to an ES if the court orders the change. To make this change, simply close the existing EU case using Line P – "Other" and open a new ES case. Make sure to cross reference the cases in the CCS.

Distribution of Assets Without Probate Administration

Certain procedures allow for the distribution of a decedent's assets without actually opening an estate. These include the affidavit procedure (also known as the 45 day affidavit or the small estate affidavit), filing affidavits to transfer vehicle titles, and the summary administration procedure provided in I.C. 29-1-8-3. Cases of this type should be given the EU case type and must pay the regular probate filing fees. The court reports these cases as closed when a ruling has been made on the affidavit or a closing statement is filed according to I.C. 29-1-8-4.

Certain Civil Actions Requiring Appointment of Personal Representative

A petition to appoint a personal representative to maintain a civil action such as a wrongful death action should be given the EU case type and requires the payment of regular probate filing fees.

Miscellaneous Estate Matters

The EM case type was a new category as of January 1, 2009. It includes only those cases involving matters **related to estates** that **do not require payment of filing fees**. Examples include: filing inheritance tax returns, spreading the will (I.C. 29-1-7-4) and opening bank lock boxes. The case is "Closed" when the matter has been resolved. If an estate matter begins as an EM case but evolves into an actual estate, simply close the EM case using Line P – "Other" and open either a new EU or ES case. If an EU or ES case is filed, filing fees are to be assessed. Make sure to cross reference the cases in the CCS.

30. GU – GUARDIANSHIP

A petition for appointment of guardian is reported as a new filing under this category. Guardianship cases should be reported as disposed when the court enters an order establishing the guardianship. The reasoning behind this instruction is because guardianship cases often remain open for many years but the Division does not want guardianship cases to appear as pending cases in a court's statistics. Previous QCSR manuals instructed courts to use Line N. "Closed" when disposing guardianship cases however Line N. should only be used when the other available disposition codes (Bench Trial, Bench Disposition, etc.) would not apply.

If the guardian is termed temporary, then the order is preliminary and the case will remain pending until the *final* order establishing and appointing the guardian has been entered.

Remember entering a statistical disposition on the QCSR does not close the case for records management purposes. A guardianship may be open for a number of years for records management purposes so you should make a notation on the CCS at the time you enter the statistical closure to avoid entering another disposition when the case is actually and finally closed.

A **compromise of a wrongful death claim** should be given the GU case type if the case involves a minor AND the amount in controversy exceeds \$10,000. In all other situations this should be issued an MI case number.

Petitions filed under the Uniform Adult Guardianship Protective Proceedings Jurisdiction Act (UAGPPJA) should be given the GU case type. (I.C. 29-3.5) The UAGPPJA grants an Indiana court limited jurisdiction to hear the petition from an out-of-state court that requests assistance in a guardianship or protective proceeding. The assistance may range from holding an evidentiary hearing to issuing an order authorizing the release of medical, financial, criminal, or other relevant information. The clerk should assess standard GU fees because the relief sought is analogous to an in-state guardianship proceeding.

31. TR – TRUSTS

A petition to docket a trust is a new filing under this category.

This case type also includes supervised trusts that have been created through an estate. The trust will receive a new case number, separate from the estate. When the court has made its decision, the case is disposed on Line N. "Closed."

32. PO – PROTECTIVE ORDERS (Orders of Protection)

Petitions for protective orders not filed in another proceeding are reported as new filings under this category. The majority of these petitions are filed in accord with I.C. 34-26-5-1. Even if parties to the Protective Order are married and subsequently file a petition for Legal Separation or Dissolution, the PO case is NOT consolidated with the DR case. Generally, if the court files a contempt citation under the PO case, it is filed using the same case number. Criminal charges are filed as Invasion of Privacy and reported under the criminal case type that applies. Any order that relates to the PO case but is filed in a related DR case should have a corresponding order in the PO case. The court cannot enforce an order in a DR case with criminal proceedings, only civil contempt citation. If a PO case were to be consolidated with a DR case, Trial Rule 42 procedures must be followed, warnings in the PO forms would be lost in a DR case, it would be difficult to enforce any criminal charges related to a violation of the PO, it would be difficult to enforce the gun restrictions, the IDACS indicators would be lost in the consolidation, enforcement would be more confusing for law enforcement, and the court would have to hold a second hearing on consolidation prior to the final hearing being held in the DR case. If the PO were contained in the final decree, that portion of the decree would expire by statute after two (2) years, whereas the rest of the decree would stand

perpetually.

Disposition on *ex parte* protective orders would be "Bench Disposition." If the judge hears evidence, then "Bench Trial." What happens after would be considered post judgment.

Child protective orders under I.C. 31-34-2.3 are assigned the JM case type rather than PO because of the confidentiality of the entire case.

When a person registers a Foreign Protective Order with the clerk under I.C. 34-26-5-17(e), that registration should be given a PO case number so that the foreign protective order can be entered into the protective order registry. This case should **not** be reported as a new filing on the QCSR.

33. MI – MISCELLANEOUS

Any civil matter which is unrelated to other pending litigation and which cannot be classified into any of the foregoing categories should be reported here. Examples of matters that may receive an MI case number include the following:

A petition for **adult protective services** (If filed by the children of the adult or another organization, the judge may waive the filing fee.).

Applications for Judgment for unpaid taxes filed by the county auditor.

A Compromise of a wrongful death claim is usually issued an MI case number but may be a GU if the case involves a minor AND the amount in controversy exceeds \$10,000.

Custody petition or a **visitation petition filed by grandparents**
Regular filing fees apply.

Destruction Orders for gun buy-back programs

Petition for emancipation.

An action for **forfeiture of property**. Forfeiture actions under I.C. 34-24-1-1 *et seq.* are civil actions and are given the MI case type

regardless of whether criminal proceedings are pending regarding the same property. If a request for seizure of property for forfeiture is filed after or simultaneously with a Complaint for Forfeiture and Reimbursement of Law Enforcement Expenses, the request to seize property does not receive a separate case number; it is simply a petition filed under the MI case number assigned to the forfeiture case. An action for **return of property used in a crime** under I.C. 34-24-1-1 *et seq.* If an MI was filed for the Complaint for Forfeiture and Reimbursement of Law Enforcement Expenses, the petition for return of property is conducted under the same case. If neither an MI nor an MC case exists regarding the seized property, the petition for return of property is assigned an MI case type.

Habeas Corpus cases from Department of Correction-.

Name change petitions, appointments of appraisers and marriage waivers. All of these are ordinarily charged a regular filing fee, but the court may waive the fee.

Medical tort claim that is still before the medical review board and not yet before the court, but which has corollary issues requiring judicial action. If a tort case is later filed, it should receive a CT case number.

Petition creating Conservancy Districts in accord with I.C. 14-33. The case can be closed when the court enters the final order creating the district but the court should enter an order exempting the file from the regular MI retention schedule since the Board of Directors (I.C. 14-33-5-20) must file a report annually regarding the district.

Petitions for Restricted Driver's License Because of Hardship. A petition for a restricted driver's license under I.C. 9-24-15 is given an MI case type and regular civil costs apply. The procedures in I.C. 9-24-15 allow a person whose driver's license is suspended to file a petition for a restricted driving permit for the sole purpose of driving to and from work and in the course of employment during the period of suspension because, due to the nature of the person's employment, the suspension would be an undue hardship and burden on the person's family or dependents.

Petition for Judicial Review of Habitual Violator Suspensions.

Petitioner must pay infraction filing fees at time of filing but if the court reinstates his driver's license, he is entitled to a refund. I.C. 9-30-10-7(f).

Petitions for Property Transfer under Eminent Domain.**Proceedings supplemental to enforce a foreign judgment**

Regular filing fees apply and this is counted on the statistical report. I.C. 34-54-11-1. (In-state, different county judgments can be recorded as **Recorded Foreign Judgment** and \$3 is charged but the case type is **CB** rather than MI. When the creditor seeks to execute on the in-state recorded judgment, the CB case is given an MI case type and the filing fee is charged.)

A petition filed by the victim to enforce **Restitution** ordered in a criminal case when the Defendant has not voluntarily paid is given an MI case type and the filing fee is waived. The case is filed for the proceeding supplemental and therefore should be disposed of on Line P - "Other" immediately upon filing.

Under **civil RICO forfeiture procedures**, I.C. 34-24-2, forfeiture of property is one of the remedies available as a civil remedy for racketeering activity. I.C. 34-24-2-4 also sets forth procedures for return of property. If a seizure is made under the statute, an action for forfeiture must be brought within 30 days after the prosecutor or inspector general receives notice from any person claiming an interest in the property or within 180 days after the property is seized, whichever occurs first. If a forfeiture complaint is not filed within 30 days of receiving the claimant's notice of interest, then the claimant is entitled to file a **complaint seeking replevin, foreclosure, or other appropriate remedy**. If the forfeiture action is not filed within 180 days after seizure, the law enforcement agency "shall return the property to its owner." Forfeitures and seizures under civil RICO are given the same case type designations as brought under the general forfeiture laws. However, because RICO provides for different remedies in the case of return of property, such as foreclosure, actions for return of property under RICO may be given additional civil case type designations such as MF for foreclosure.

Tax warrants filed for further collection proceedings. The case remains open until the warrant is paid or otherwise discharged. As of October 9, 2012, counties are no longer required to open a CB case to record a Department of Revenue tax warrant.

Tax Sales (delinquent property taxes) under the provisions of I.C. 6-1.1-24-4-6(b) when the auditor files the Application for Judgment, the list of certified properties is assigned **one** MI case number rather than individual case numbers for each parcel. Unless the property owner files statutory objections or otherwise pays the delinquent taxes, the court does not consider the Judgment Order for each parcel separately. The court will sign the Judgment Order and the parcels will be sold at one tax sale.

Recognition of Foreign Country Money Judgments under I.C. 34-54-12 should be given the MI case type.

Petitions to Expunge (Restrict Access) Conviction Record under I.C. 35-38-9-2 through I.C. 35-38-9-5 which should be given the MI case type and assessed regular civil filing fees. Do not confuse this type petition with a Petition to Restrict Disclosure of Criminal Proceedings (I.C. 35-38-5-5.5 *repealed July 1, 2013*) or a Petition to Expunge (Seal) Arrest Records that did not lead to conviction or juvenile adjudication under I.C. 35-38-9-1 which are filed under an existing criminal case or, if no criminal case exists, given the MC case type.

Fee Waiver denials should be given the MI case type but should **not** be counted in a court's statistics.

C. Instructions for Lines – Action of the Case Type

Part I – Before Court

Part I records the cases pending in the court. It includes previously pending, newly filed and cases venued in or transferred into the court.

| PART I: BEFORE COURT | |
|----------------------|---|
| A | Previously Pending |
| B | New Filings |
| C | Venued In |
| D | Transferred In |
| E | TOTAL CASES BEFORE COURT (add A through D) |

Line A – PREVIOUSLY PENDING

Line A represents cases pending before the court on the first day of the quarter with no previously reported dispositions for that court. The number of cases previously pending on the first day of a reporting period should be equal to the number of cases that remain pending on the last day of the immediately preceding reporting period.

Each year for quarter 1, Line A will be left blank in the ICOR application and the preparer must manually enter the number of cases pending in each case type category as of the first day of the reporting period. Because the system will save previously submitted reports, you may reference Line T from the quarter 4 reporting period of the previous year to enter data on Line A of the new report. However, if you have done a hand count of files and found that the actual number of cases pending before the court on the first day of the new year differs from the number of cases reported as pending on the last day of the 4th quarter of the previous year, Line A is left blank in the 1st quarter to give you an opportunity to report the correct number of cases that are pending at the beginning of the year. Then, beginning with quarter 2, the ICOR application will automatically fill in Line A from the previously submitted QCSR totals, Part III, Line T, discussed below.

Line B - NEW FILINGS

Each court generally receives new filings. Some case types no longer exist for new filings. As of January 1, 2002, Criminal Felony (CF), Civil Plenary (CP) and Adoption History (AH) were discontinued. Although no new filings are permitted under these case types, those cases filed in these categories prior to January 1, 2002 will retain their original designation, for reporting and disposition, regardless of transfer or change of venue.

Line B includes only those cases initiated within the relevant quarter. Even if the case is otherwise redocketed, the court may not include it as a new filing a second time. Effective January 1, 2011 some IntraState probation transfer cases are counted as "New Filings" on Line B. Criminal Procedure Rule 2.3 was amended recently to allow a court to transfer sanctioning authority for probation violations when probation supervision is transferred. If the sentencing court transfers this authority and the receiving court accepts it, the case should be counted as a "New Filing" on Line B rather than "Venued In" on Line C and the case should be given the MC case type. This allows the receiving court to be credited with some judicial time for the probation transfer case. This new procedure for IntraState probation transfers is explained in more detail in the attached Appendix B.

Line C – VENUED IN

Trial Rule 75, 76 and 79(M) Small Claims Rule 12 and Criminal Rule 12 outline the venue requirements and procedures for changing a case from one county to another. You will enter the number of cases received (for any reason) on Line C. The sending court will report the case as "Venued Out" on Line R as discussed below.

While these cases will receive new case numbers, they will retain the original case type, including those discontinued case types addressed above.

Interstate probation transfers (from another state) are counted as "Venued-in" cases and should be disposed statistically at the time they are opened. The statistical closure to be used for disposing of Interstate probation transfers is Line N, "Closed."

IntraState probation transfers (from one Indiana county to another Indiana county) should be handled according to the procedure outlined in the attached Appendix B.

Line D – TRANSFERRED IN

Line D represents the number of cases received by the reporting court from courts within the same county. This category should include cases transferred due to change of judge, special judge appointment as determined by Trial Rule 79 (M), caseload allocation, and transfer of small claims cases to Civil Plenary (PL), even if the small claims transfer occurs in

the same court. A case previously venued into a county will be reported as *transferred in* by the reporting court if the sending court is in the same county.

While the transfer of cases normally occurs prior to the disposition of the case, some occur after disposition. Many specialty courts (Drug and Reentry Courts) receive transfers from criminal courts after the case has been disposed. When a specialty court receives a “transferred in” case that was disposed by the transferring court, the case is assigned a new case number with the same case type as it had in the transferring court. It will remain pending in the receiving court until that court disposes of the case by one of the methods described in Part II, at which time its disposition will be counted on the receiving court’s QCSR. The transferring court will not count the “transfer out” on its QCSR because it was already counted once with the disposition of the case before transfer. If your court is a Certified Problem Solving Court and you receive a transferred case, please remember to include this case in your answer to question 7 under Part V.

Line E – TOTAL CASES BEFORE THE COURT

Line E represents the total cases before the court for the reporting period. INcite will automatically compute the totals on this line. Because Line E is automatically computed, if your entries in Part I produce a negative number in Line E, you will receive an error message due to a data validation requirement. Please contact the Helpdesk if you have difficulty correcting this error.

Part II - Disposed

Part II represents the number of cases disposed by the court during the quarter and the manner of disposition. The following illustration shows all the possible methods of disposition generally, but some of these methods are not available for particular case types. If a particular case type cannot be disposed by a certain method, an “X” will indicate that no data can be entered.

For statistical reporting purposes, the court only reports one disposition per case. Legal case dispositions may be reversed, corrected or otherwise changed however, these changes are not reported.

The method of disposition does not affect a court’s weighted caseload.

Multiple charge criminal cases may have a different method of disposition for each charge however for statistical purposes the method of disposition to report should be the one that used the most judicial time.

For example, if a criminal defendant is charged with three misdemeanor and one felony charges, the case is reported as a new felony filing. If the felony and one misdemeanor counts are dismissed, the defendant pleads guilty to one misdemeanor count, and a jury trial is conducted on the remaining misdemeanor count, the case should be counted as disposed by jury trial.

If a civil case involves multiple parties, the case is not reported as disposed until the case is disposed as to all parties. Report the method of disposition which most accurately reflects the manner of disposition of the case that used the most judicial time.

| PART II: DISPOSED CASES | |
|---|-----------------------|
| F | By Jury Trial |
| G | By Bench Trial |
| H | By Bench Disposition |
| I | Dismissed |
| J | Default |
| K | Deferred/Diverted |
| L | Guilty Plea/Admission |
| M | Violations Bureau |
| N | Closed |
| O | FTA/FTP |
| P | Other |
| TOTAL DISPOSED CASES (add F through P) | |
| Q | |
| R | Venued Out |
| S | Transferred Out |

Line F – BY JURY TRIAL

A case is disposed by jury trial after a jury has been sworn in AND evidence is entered or a witness has been sworn. If the case is disposed prior to the swearing in of a jury or witness or entry of evidence, the court should use another disposition type.

Several case types cannot be disposed by jury trial in accord with Trial Rule 38 (A), Rule PC 1 § 5, Small Claim Rule 2 (B)(10), and/or statute.

Line G – BY BENCH TRIAL

For reporting purposes, a bench trial occurs after the first witness has been sworn to testify in a trial without a jury, in accord with Trial Rule 39. A court may conduct a bench trial in every case type; however, **it is important to distinguish bench trials from other hearings.** If a court receives evidence or swears in a witness to testify about matters that do not constitute the ultimate issues framed by the pleadings, the court has not conducted a bench trial. As an example, if a case is resolved following a discovery hearing where a witness is sworn and testifies, the case should be disposed of as a bench disposition, rather than bench trial. The witness may have testified and evidence may have been entered but the issues resolved were not the ultimate issues framed by the pleadings.

In a Juvenile Paternity case (JP), if a father admits paternity through sworn testimony at a hearing, the case is counted as a bench trial.

Line H – BY BENCH DISPOSITION

This category was added to the QCSR in 1999. The data entered on this line should include cases that are disposed by final judicial determination without swearing witnesses such as:

- Summary judgment in accord with Trial Rule 56
- Judgment on the evidence
- Approval of Informal Adjustments (juvenile)
- Approval of agreed judgments including an agreed entry in a CHINS case
- An admission of paternity submitted in writing by a father prior to being sworn in and giving oral testimony.
- Cases designated by MC where an arrest or search warrant is issued.

Line I – DISMISSED

This disposition type applies to cases dismissed by the court on its own motion, upon motion of a party or by agreement of the parties. Dismissals, even though they may be without prejudice, are considered dispositions for

reporting purposes. If the dismissal is subsequently set aside, further case activity is treated as post-judgment proceedings in a redocketed case.

Dismissals include Trial Rule 41 motions by the party or on the court's own motion. Trial Rule 41 motions include:

- Voluntary dismissals by the plaintiff
- Stipulation by the parties due to settlement
- Court reasons
- Failure to prosecute

When a case languishes on a docket with no activity or when the trial rules are not followed, the court or a party may dismiss the case after a hearing under Trial Rule 41 (E) commonly referred to as the "Call of the Docket."

Line I also includes Trial Rule 12 motions to dismiss in civil cases. If the plaintiff chooses to file an amended pleading to correct errors identified in the Order on Dismissal, the case is considered redocketed. In addition, if an entire civil pleading is stricken pursuant to Trial Rule 12 (E) or (F), the court will report a dismissal. If only a claim is stricken and further claims remain pending, the case has not yet been disposed and the disposition will reflect the final treatment of the issues framed by the remaining pleadings.

Small Claims Rule 10 dismissals are reported on this line as well, even though the dismissal is without prejudice. If a dismissal is set aside, the case is considered redocketed and further events are treated as post-judgment proceedings.

When a prosecutor decides to drop criminal charges, the case is counted as dismissed.

If a defendant has been discharged pursuant to Criminal Rule 4 and the limitations period referenced in Criminal Rule 4(C) has expired, the case is treated as dismissed.

This section does not include Motions to Dismiss after completion of a deferral or diversion program. For reporting purposes, the deferral or diversion program results in disposition on Line K, described below. Courts should make sure any dismissals on successful deferrals or diversions are separated from regular dismissal numbers. Dismissals upon successful

completion of the program are not counted on the QCSR because those cases will have already been disposed on Line K.

Line J – DEFAULT

Default judgments in civil cases are entered here. Normally defaults occur when the defendant has not responded to a complaint within the time prescribed by the trial rules. The Plaintiff is entitled to judgment because the defendant has not challenged the filing. Defaults are sometimes granted after repeated failure to comply with trial rules, as a punishment for the violations. Both instances are treated the same on this report. If a default is granted, the court will report the disposition on this line.

This entry of default judgment applies in civil cases, infractions and ordinance violations. Defaults cannot be entered in criminal or juvenile matters. Default judgments may be set aside pursuant to Trial Rules 55(C), 60(B), and Small Claims Rule 10(C). If a default judgment is set aside, the case is redocketed and all further activity in the case is considered a post-judgment proceeding for statistical reporting purposes. The court must separate the successful reinstatements and not report any subsequent dispositions on further QCSR reports.

Line K – DEFERRED/DIVERTED

The prosecuting attorney may offer a defendant a deferral (used for infraction or ordinance violations only) or pretrial diversion (used for misdemeanors only) program rather than proceed to trial on the charge. If the offer is accepted, the paperwork is filed and the case should be reported as a disposed case on this line.

The entry of a deferral or diversion does not legally dismiss the case, but is treated as a disposition for reporting purposes. In the event the defendant does not comply with the program, the prosecutor may resume prosecution of the charge, and the court will redocket the case. For statistical purposes, the case has already been disposed.

Examples of deferral or diversion programs include:

- Defensive driving classes
- Alcohol awareness classes
- Anger management

Drug Court
Forensic diversion
Conditional Discharge

Even though diversion programs are agreed to after a guilty plea is entered, to the extent that the court can discern those where a diversion program will be executed, dispose of the case on this line rather than line L.

The objective of this disposition code is to prevent courts from carrying a large pending criminal caseload when in actuality the case is likely to be resolved without further court interaction.

Line L – GUILTY PLEA/ADMISSION

This category is used in criminal cases, infractions, ordinance violations, juvenile matters and protective orders. Courts may encounter situations where this disposition category is appropriate for MI cases.

The court will count the case disposed by guilty plea or admission where the defendant has:

- Pleaded guilty to a criminal offense
- Admitted commission of an infraction or ordinance violation
- Admitted the claims in a juvenile petition
- Admitted to claims in a protective order

Infraction and ordinance violations should only be reported in this category if the case actually comes before the court for decision (thus using judicial time), including those cases involving defendants who **appear in court to plead or admit guilt and pay their fine**. If an admission (or a declaration of nolo contendere) is properly made by mail or before a clerk, the infraction/ordinance violation should be reported as disposed under Line M, the Traffic Violations Bureau category.

This line is not used when a defendant will be entering into a deferral/pretrial diversion program with the prosecutor. Instead, the court will dispose of these cases on Line K - "Deferral/Diversion."

Line M – TRAFFIC VIOLATIONS BUREAU

This disposition category only applies to infraction and ordinance violations. It does not apply to misdemeanors or felonies. IC 34-28-5-7 permits any court to establish a traffic violations bureau and to appoint a violations clerk to serve under the direction of the court. The court must designate the traffic violations that are within the authority of the violations clerk. This category should be used when the defendant elects to pay the penalty for the violation by mailing or delivering payment to the violations clerk or by making payment online and without going to court.

Once a defendant appears in court (and thus uses judicial time) to offer a guilty plea/admission the case should be counted as disposed through the "Guilty Plea/Admission" category, on Line L. If the defendant appears in court but does not admit the violation or offer a guilty plea, another disposition category would apply.

To be distinguished from the traffic violations bureaus authorized by IC 34-28-5-7, the General Assembly authorized the legislative body of municipal corporations to establish municipal ordinance violation bureaus and to designate a schedule of the ordinances of the municipal corporation that can be handled by the bureau. I.C. 33-36-2-1 *et seq.* and I.C. 33-36-3-1 *et seq.* There is a brief overview of a municipal ordinance violation bureau contained in the instructions for OV/OE Ordinance Violations in this manual.

Line N – CLOSED

Originally this disposition category was used to report the closing of estates, trusts, and guardianship proceedings only; however, it is now also used in other situations as well. If a court receives a notice of removal of the case to federal court or a notice of bankruptcy affecting the last remaining defendant in a case, the court statistically closes the case and counts the disposition in this category. The closure of the case is treated as a disposition for reporting purposes. In the event the case is returned to state court by the federal court or the claim survives the bankruptcy petition, the court will redocket the case. As with all cases, once the disposition was reported for statistical purposes, no other disposition should be reported.

Also included are Foreign Judgments recorded in jurisdictions where the debtor resides or owns property. However, the filing is simply to record the case in the new jurisdiction but the filing does not create a new case. When a foreign judgment is filed, it is disposed of on this line at the same time.

When the judgment debtor attempts to sell the property (a house or car or other piece of property), the judgment must be paid out of the proceeds before the remaining proceeds are distributed to the debtor. The effect is to protect the judgment owner's ability to be paid.

The closed method is also available for the MC case type, and it is to be used to close all (IntraState and interstate) probation transfer cases.

Line O – FAILURE TO APPEAR/FAILURE TO PAY (FTA/FTP)

When a defendant fails to appear or fails to pay (when appearance is not compulsory) in an infraction or ordinance violation case, the case technically remains open until payment is made or the case is dismissed; however, the court is left with a substantial backlog of cases that are essentially dormant. For statistical reporting purposes, the case should be shown disposed in this category when the defendant fails to appear or fails to pay. Once an infraction or ordinance violation case is reported as disposed for either failure to appear or pay, it should not be reported again even if a defendant later appears, pays or proceeds to trial. This disposition category should be used even if the court sends the case to the Indiana Bureau of Motor Vehicles after the defendant's failure to appear or pay.

Some counties send these cases to the Violations Bureau if the defendant fails to appear/pay. Nevertheless, the disposition should be reported in the FTA/FTP category, rather than Line M, the Violations Bureau category.

This disposition category applies only to infractions and ordinance violations. It does not apply to criminal cases or other types of civil cases.

Line P – OTHER

Disposed cases reported in this category are those which leave the court for a reason other than those listed in Lines F through O. For example, if a defendant dies before the case is final, enter the other disposition on Line P. If you have entered dispositions on this line, please describe why in Part VII: Explanation and Comment, discussed below (for the above example, your entry would be "death of defendant"). Other examples include: cases opened in error or MC cases opened to track grand jury proceedings. The Division will consider your comments to determine if another disposition type should be added to the matrix.

Line Q – TOTAL DISPOSED CASES

This line reflects the total cases that have been reported in Part II, lines F through P, as disposed or otherwise leaving the system/court. ICOR will automatically total Lines F through P for each case type. As mentioned above, you will receive an error message if your entries cause these totals to exceed Part I, Line E; the number of reported cases before the court, for each case type.

Line R – VENUED OUT

Cases that have been filed in a court but are moved to another county for any reason should be reflected in this category. However, Probation Transfers to another county are not counted on the sending court's QCSR because the case has already been disposed in this court once.

Line S – TRANSFERRED OUT

Cases that are transferred from one court to another within the same county, or from one court docket to another (such as a move from small claims docket to the civil plenary docket) are recorded here. In the event a motion for change of venue from the judge results in a transfer of the case to another court in the same county, the case is also counted in this category. The sending court should record cases transferred under local caseload reallocation plans here as well.

Part III – Pending at End of Quarter

Part III records the number of cases pending before the court at the end of the quarter after the dispositions and transfers are tallied. The system will automatically tally the case totals for each case type. ICOR will expect you to verify that there are no unintended errors.

| PART III: PENDING AT END OF QUARTER | |
|-------------------------------------|--------------------------------------|
| T | TOTAL (E minus Q minus R minus S) |

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Line T – TOTAL

ICOR will automatically calculate the total cases before the court for the end of the quarter. Line T totals result from subtracting the totals on Line Q, Line R, and Line S from the totals on Line E. The number pending cases shown at the end of the reporting period on Line T, in every case type category, should be identical to the number of pending cases shown at the beginning of the next reporting prior in each respective case type category (Line A). For the first quarter of each year, Line A on the report will be left blank. In quarters 2-4, ICOR will pre-populate Line A with the previous quarter's Line T totals. If changes need to be made, the previously submitted QCSRs must be adjusted, resulting in adjusted Line T totals, thus adjusted Line A totals in the succeeding reporting periods. Please note that if previously submitted QCSRs are corrected, the Division will be notified, because the QCSR data entered is used in Division publications.

Due to the data validation requirement, you will receive an error message if Line T totals result in a negative number. Contact the Helpdesk if you experience difficulty in correcting this error.

Part IV – Other Information

These entry screens cover statistics tracked by the Division and the Judicial Center for various statistical reports. You will not be able to enter numbers in this section that exceed the number of cases pending before the court in each case type category. Entries in these entry screens should be made once, when each event occurs for the first time, rather than each time the event referenced has occurred (i.e. a judge may continue to hear a case as special judge in another court over several quarters, but should only be reported once in the quarter it was initially assigned to the judge).

| PART IV: OTHER | |
|----------------|---|
| U | Cases Heard by Reporting Judge, as Special Judge, in Other Courts |
| V | Cases Heard by Other Special Judge in Reporting Court |
| W | Cases with Pro Se Litigants |
| X | Cases Referred to ADR |

Line U – CASES HEARD BY REPORTING JUDGE IN OTHER COURTS

This line should reflect the number of cases in which the reporting judge accepts jurisdiction for special judge service for other courts, pursuant to Trial Rules 76, 79 and 79.1, and Criminal Rule 13. **The case should only be counted once when the reporting judge accepts jurisdiction**, and not each time the reporting judge works on that specific case. Include on this line the case when it is assigned, even if the judge actually conducts a hearing in his or her own courtroom, rather than in the originally assigned courtroom.

If an additional judicial officer who is reported on the front page of this form is appointed special judge in another court, include the special judge service on this line, even though the judge is not the actual elected judge for the court.

Line V – CASES HEARD BY OTHER SPECIAL JUDGES

This line should record the number of cases in which a judge from another court accepts jurisdiction over a case as special judge from the reporting court, pursuant to Trial Rules 76, 79 and 79.1, and Criminal Rule 13. **The case should only be counted once when the special judge accepts jurisdiction.** Include on this line cases heard by special judges who are magistrates, commissioners, hearing officers, or referees in addition to elected or appointed judges.

Line W – CASES WITH SELF REPRESENTED LITIGANTS (*Pro Se*)

A case should be counted in this category if any party has proceeded without attorney representation at any point in the case while the case remains open. A case should only be counted **once**, however, even if many parties proceed without representation by an attorney, or if the status of the litigants changes one or more times during the course of the case. For statistical purposes, once the case is disposed, do not include the case in this category if a party begins to represent himself or herself without an attorney after the disposition is reported on the QCSR. Count a criminal or juvenile case if, after the hearing in which the defendant is offered an attorney, the defendant refuses or declines any attorney and acts on his/her own behalf thereafter. For a civil case, determine representation status starting from the moment the complaint or petition is filed. If a plaintiff files a civil case without the assistance of an attorney, count that case as

involving a self represented litigant. If a defendant files a document or attends a hearing without an attorney, count the case here, unless the plaintiff's self represented status was already included. Frequently, those courts that exercise small claims jurisdiction will have multiple cases falling into this category.

Litigants who are defaulted should not be counted as self represented litigants since no information about representation was obtained. A case may be counted as one involving a self represented litigant at any time the court believes at least one party is acting on his or her behalf without the assistance of counsel. **Each case may be counted here a maximum of one time in the life of the case and it should be counted in the quarter that the Court first determines that the case involves a self represented litigant.** Courts may look to appearance forms, filings, (if a person files something or appears without an attorney), or any other factor for this determination.

Infraction and Ordinance cases should not be reported as self represented litigant cases when the defendant remits payment to the clerk instead of appearing in court. The only time to count them would be if they appear before the bench without attorney representation.

Line X – CASES REFERRED TO ADR

This line is used to track and report the number of cases that are referred to Alternative Dispute Resolution. **A case should only be counted one time in this category during the entire existence of the case.** A case should be counted in the quarter that the court refers the case. This is not a disposition category.

As defined by ADR 1.1, recognized alternative dispute resolution methods include settlement negotiations, arbitration, mediation, conciliation, facilitation, mini-trials, summary jury trials, private judges and judging, convening or conflict assessment, neutral evaluation and fact finding, multi-door case allocation, and negotiated rulemaking. A court may order any covered case to proceed with a form of ADR prior to conducting further court proceedings. If ADR is successful on all issues before the court, then the court will dismiss the case on Line I above. The Division uses Line X to analyze how many cases use ADR remedies, which in turn supports requests for ADR funding and further enhancement of ADR resources.

In some counties, an approved ADR plan has been established for Domestic Relations and Paternity cases. Include the ADR assignments for these plans as well.

Part V. Additional Case Information

The Division, the Indiana Judicial Center, and other divisions track various information regarding cases filed and heard in the courts. The statistics provided help committees plan enhancements in court services, support grant proposals and other funding requests, and allow the state to determine the use of various court services provided including *ad litem*. The entry fields are all governed by data validation requirements, restricting the number of case totals from exceeding the total of each case type actually pending before the court. Please contact the Helpdesk if you experience difficulty reconciling your records with the data validation requirement.

Part V. Additional Case Information

1. Number of prosecutorial requests received during the quarter for:

Death Penalty Life Without Parole

(Report number when prosecutor requests death penalty or life without parole.)

2. a) Number of cases that the reporting judge has that have been under advisement for more than 90 days at the end of the quarter:

(Include all cases for which the reporting judge is responsible in this court, including redocketed and cases heard by a magistrate, commissioner, referee, or hearing officer.)

b) Number of cases that the reporting judge, acting as a special judge, has that have been under advisement for more than 90 days at the end of the quarter:

3. Number of cases in which indigent counsel was appointed at county expense:

(Include indigent defendants who may be charged a portion of Public Defender Fees.)

| MR | FA | FB | FC | FD | PC | CM | JD | JC | JS | JT | JP | APPEALS | OTHER | TOTAL |
|----|----|----|----|----|----|----|----|----|----|----|----|---------|-------|-------|
| 0 | 8 | 5 | 9 | 2 | 1 | 0 | 9 | 1 | 3 | 0 | 0 | 0 | 1 | 39 |

4. Number of cases in which court interpreter services were used:

| | MR | FA | FB | FC | FD | PC | CM | MC | IF | OV | JC | JD | JS | JP | JM | JT | OTHER | TOTAL |
|-------------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| a) Gov Entity | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| b) Non Gov Entity | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

c) Please indicate the languages interpreted:

Language

<Click to Select Language>

5. Number of cases in which a guardian ad litem/court appointed special advocate was appointed:

| JC | JD | JP | JT | JM | DR | OTHER | TOTAL |
|----|----|----|----|----|----|-------|-------|
| 2 | 0 | 1 | 0 | 0 | 0 | 2 | 5 |

Question 1 – NUMBER OF PROSECUTORIAL REQUESTS RECEIVED DURING THE QUARTER

Please insert the number of cases where the prosecutor requested the *death penalty* or *life without parole*, whether the case proceeded as such or not. If a case was filed in one quarter and the request was received in a subsequent quarter, please report the request in the quarter received.

Question 2 – CASES UNDER ADVISEMENT

a) Number of cases that the reporting judge has had under advisement for more than 90 days at the end of the quarter.

Pursuant to Rules 53.1 and 53.2, a court may take a matter under advisement for up to ninety (90) days. This section includes all matters under advisement, whether heard by the judge, magistrates, commissioners, hearing officers, or referees. Examples include:

- Motions for summary judgment
- Petitions for declaratory judgment
- Motions for final judgment
- Motions to compel
- Motions to dismiss

b) Number of cases that the reporting judge, serving as special judge, which have been under advisement for more than 90 days at the end of the quarter .

Please report the number of cases the reporting judge, acting as special judge, has had under advisement for more than 90 days at the end of the quarter.

Question 3 – NUMBER OF CASES IN WHICH INDIGENT COUNSEL WAS APPOINTED AT COUNTY EXPENSE

According to the Indiana Constitution and case law, all persons are entitled to representation in criminal and juvenile cases, as well as appeals. If the court considers a defendant indigent, the court will appoint the defendant a Public Defender. Please note the number of cases in which counsel was provided in each case type, where the county incurred expense. If a portion of the legal fees were reimbursed, include the case. The case should be reported only in the first quarter in which indigent counsel served. If counsel is appointed to represent the defendant in the trial court, and the trial court then appoints counsel to represent the defendant on appeal, the

case should be counted both in the proper case type **and** in the appeals section. If indigent counsel was appointed at county or partial county expense in case types not listed, please combine and enter that final tally in the "other" column.

Question 4 – **COURT INTERPRETERS**

Court interpreter services may be provided in every case type before the Indiana courts, the Division seeks to track those interpreter services that were fully or partially provided by a state, county, or local government entity (line a) plus those interpreter services provided in some other manner (line b), in the listed case types.

If court interpreters were provided by in case types not listed, please combine the numbers and enter that final tally in the "other" column.

Each case should be counted once, in the first quarter in which interpreter services have been provided.

a) Number of cases in which court interpreter services were used and were provided by a government entity. i.e. court or public defender provides court interpreter.

b) Number of cases in which court interpreter services were used and were provided in some manner other than a government entity. i. e. private attorney or defendant provides court interpreter.

c) Please indicate the languages interpreted.

ICOR provides a drop-down menu where you may choose among several frequent languages provided in past reports. Please choose "other" if the language is not listed in the menu. ICOR will not limit the number of languages you choose. If you interpreted one or more under "other", please provide the complete list in Part VII.

Question 5 – **NUMBER OF CASES IN WHICH A GUARDIAN AD LITEM/COURT APPOINTED SPECIAL ADVOCATE WAS APPOINTED.**

This section does not include guardianship cases (GU case type), which involves a different type of guardian. Frequently, guardians *ad litem* (GAL) and court appointed special advocates (CASA) are appointed in juvenile or domestic cases but occasionally they are appointed in other case types. Please indicate the number of appointments for each case type in the reporting period. You should only report the appointment in the first quarter when the GAL or CASA was appointed. Excluding GU cases, if a GAL or CASA was appointed in a case type not listed, include the case in a tally in the "other" column. The report preparer should confirm the data entered with the county GAL/CASA program.

| | | |
|---|---|---------------------|
| 6. Number of Court Business Record (CB) designations that were issued during the reporting period: | | 2 |
| 7. If your court is a certified problem solving court (i.e. drug court, reentry court) or Supreme Court Family Court Project court, list type of court and how many new cases were accepted into the court in the reporting period. | | |
| Type of Certified Court | How many cases in the reporting period? | |
| <Click to Select Type of Certified Court> | 0 | |
| <Click to Select Type of Certified Court> | 0 | |
| | | Add |

Question 6 – NUMBER OF COURT BUSINESS RECORD DESIGNATIONS THAT WERE ISSUED DURING THE REPORTING PERIOD.

Court Business (CB) is a new case type as of 1/1/2002, pursuant to Administrative Rule 8(B)(3). The CB case type applies to matters that do not relate to a particular case, but which the court has taken some action.

Examples include:

- Jury payroll orders
- Grand jury reports
- Pro Tem* and special judge appointment orders
- Adopting or amending local rules
- Lis pendens* registry
- Court Holiday Hours orders
- Recording a judgment that was issued in another Indiana county.
- Senior Judge Naming Orders and assigning work and/or cases to a senior judge.
- Issuing a subpoena under Uniform Interstate Deposition and Discovery Act (I.C. 34-44.5)

As of October 9, 2012, counties are no longer required to open a CB case to record a Department of Revenue tax warrant.

The Division suggests that each court establish one case number for each of some of the routine orders that receive CB case types and enter all related orders for the year under the same number.

Question 7 – IF YOUR COURT IS A CERTIFIED PROBLEM SOLVING COURT (i.e. drug court, reentry court), LIST TYPE OF COURT AND HOW MANY NEW ASSIGNMENTS IN THE REPORTING PERIOD.

This question was originally added to the QCSR to collect information not only about certified problem solving courts, but also information about Supreme Court Family Court Project Courts as well. However, beginning in 2011, this question no longer seeks information about the Family Courts. The reason for the change is that new assignments to a certified problem solving court are considered in court's weighted caseload, while assignments to the Family Court Projects are not. Beginning January 1, 2011, count the number of assignments going into the certified courts each quarter and not the total number in the certified court currently for the quarter. **The number of new defendants or convicted persons entering the program, not the number of individual cases should be reported here.** For example, if a person who is a defendant in two criminal cases is accepted into a drug court, just count as one assignment.

Part VI – Alternate Judge Time

| Part VI. Alternate Judge Time | | | |
|---|-----------------------------------|------------------|-----------------------------------|
| 1. Service by other judicial officers in reporting court (judicial officers that are not currently assigned to the reporting court) and who are not listed on front of report: | | | |
| Please indicate the number of days, or fractions of days, per reporting period that other judicial officers served in reporting court. | | | |
| Temporary Judges: | Days Per Reporting Period 0.00 | Senior Judges: | Days Per Reporting Period 4.00 |
| Pro Tems: | 0.00 (1/2 day = 0.50) | Transfer Judges: | 0.00 (1/4 day = 0.25) |
| 2. Service by reporting judge in other courts (if the reporting judge is serving for blocks of time under a local caseload allocation plan): | | | |
| Please indicate the number of days, or fractions of days, per week that the reporting judge served in other courts. | | | |
| Court of Service | Days Per Week | | |
| 43D01 - Kosciusko Superior Court 1 | 0.23 | | |
| 57C01 - Noble Circuit Court | 0.19 | | |
| 57D01 - Noble Superior Court Div. 1 | 0.23 | | |
| i.e. 92-C-01 | (1/2 day = 0.50) | | |

Question 1 – **SERVICES BY OTHER JUDICIAL OFFICERS IN REPORTING COURT.**

This is for judicial officers who are not currently assigned to the reporting court and who are not listed on the front of the report.

This question does not collect information for a judge serving as a special judge. Special judge statistics are collected on Lines D, U and V.

Most courts are permitted to appoint temporary judges and judges *pro tem* to cover the caseload on an occasional basis. The reporting court must tally the number of days or fractions of days these alternate judges served in the reporting court. In addition, courts are permitted to use Senior Judges for a determined amount of time per year.

The preparer should tally all the days or fractions of days served by all assigned temporary, pro tem, Senior Judges and transfer judges and enter the totals in the appropriate boxes.

A temporary judge is appointed pursuant to I.C. 33-38-11.

A transfer judge is not a special judge. A transfer judge is a judge from another court who temporarily works on cases filed in the reporting court under a local caseload allocation plan, statutory authority, a Supreme Court order or other similar arrangement. For each reporting period, the preparer should tally all days or fractions of days transfer judges served in the reporting court and enter the total in the appropriate box.

If a judge *pro tem* has been appointed for an extended time, you still report the number of days served in this section (which may amount to the total number of weekdays in the quarter). The totals for the categories for this question are totals for all temporary judges, judges *pro tem*, senior judges and transfer judges, rather than individual entries per judicial officer.

Question 2 – **SERVICE BY REPORTING JUDGE IN OTHER COURTS (if the reporting judge is serving for blocks of time under the local caseload plans).**

As designated above, local caseload plans provide transfer judges to other courts to perform work on cases. If the reporting judge has served in this capacity in a court other than the reporting court, **pursuant to an**

established plan, the preparer should enter the Court ID (provided in the drop-down menu) for each court in which the reporting judge served and the number of days and fractions of days **per week** the judge served in the listed court. ICOR will permit more than three courts to be listed. The field restricts the total be no more than 5.0 days, individually and as a total of the number of days reported by the reporting judge collectively. Please contact the Helpdesk if you have difficulty reconciling your records with the data validation requirement.

Part VII – Explanation and Comment

| Part VII. Explanation and Comment |
|-----------------------------------|
| |

This section provides a free text box with a 5000-character limit. Please provide explanation information, such as:

- Service in drug court
- Collection of cases listed on Line P (Other disposition)
- Collection of other languages interpreted at the county expense
- Any other comments the reporting court believes will be useful in review of the QCSR.

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Appendix A

How to Report Other Judicial Officers on the QCSR and How Those Numbers Translate Into the Number of Judicial “Haves” for a Court

Page 1, the Preparer Page, of the QCSR contains a section called “Other Judicial Officers Regularly Assigned to Court During the Reporting Period.” If your court has additional judicial officers (magistrate, commissioner, referee, hearing officer) regularly assigned to your court, this is where you report that information. It is important to be accurate in reporting because this information is used in calculating a court’s weighted caseload.

One person working full time, 5 days per week = 1 Judicial Officer. So, if a full time judicial officer works 5 full days per week in your court, you enter 5 days on the QCSR and that translates into 1 Judicial Officer on the Weighted Caseload (WCL) Report. (Of course, your judge always counts as 1 Judicial Officer, so your magistrate or commissioner or hearing officer is added to that 1).

However, if this full time judicial officer is shared by different courts, his or her time must be allocated between or among the courts, and the sum total of this person’s service in all the courts combined should equal 5 days per week, or 1 judicial officer. (Part time judicial officers would total less than 1 judicial officer, of course).

If the judicial officer works 1 day per week in your court, you report 1 day on the QCSR. On the WCL, this will show as .20 judicial officer for your court, since that person spends 20% of his time in your court ($1 \text{ Day per week} \div 5 \text{ Days per week} = .20$).

On the QCSR, you always report the number of days per week (or fractions of days) that the person works in your court. The chart below shows how this translates to WCL Judicial Officer “Haves” for purposes of the Weighted Caseload Report:

**You Report
on your QCSR:**

1 Day

**We Report
on the WCL:**

.20 ($1 \div 5$)

| | | |
|--------|------|-------|
| 2 Days | .40 | (2÷5) |
| 3 Days | .60 | (3÷5) |
| 4 Days | .80 | (4÷5) |
| 5 Days | 1.00 | (5÷5) |

But what if your judicial officer does not work a full day each week in your court? We do the same thing; it's just that the numbers get smaller.

| The Judicial Officer works: | <u>You Report on QCSR:</u> | <u>We Report on WCL:</u> |
|-------------------------------|--------------------------------|--------------------------|
| ¼ day per week in your court: | .25 day | .05 |
| ½ day per week in your court: | .5 day | .10 |
| ¾ day per week in your court: | .75 day | .15 |

Okay, but what if the person works partial days, but does so on several days per week in your court? You simply add up the fractions of each day worked and combine them. For example, on Mondays, the judicial officer spends ¼ day conducting initial hearings in criminal cases (.25 of one day) and you don't see this judicial officer again until Thursday when she comes back to conduct bond reduction hearings for ½ day (.5 of one day). You add Monday's .25 to Thursday's .50 to report .75 day served.

Appendix B

Procedure for Intra-State Probation Transfers Effective January 1, 2011

Criminal Procedure Rule 2.3 was amended recently to allow a court to transfer sanctioning authority for probation violations when probation supervision is transferred to another county and a \$75 transfer fee was authorized for non-indigent probationers requesting transfers.

Intra-State probation transfer procedure for sentencing court:

- I. If sentencing court wished to transfer sanctioning authority:
 - A. Note on the CCS that the case is being venued to another county with the request that county assumes sanctioning authority.
 - B. Note the response of the receiving regarding whether it accepts sanctioning authority. Regardless of whether sentencing court accepts sanctioning authority, supervision of the case will be venued to the receiving court.
 - C. No other action is needed. This case is not to be counted on the QCSR as "Venued Out" because the sentencing court has already counted it when it was disposed at time of sentencing.
- II. If sentencing court does not wish to transfer sanctioning authority:
 - A. Note on the CCS that the case is being venued to another county but sentencing court is retaining sanctioning authority.
 - B. No other action is needed. This case is not to be counted as "Venued Out" because the sentencing court has already counted it when it was disposed at time of sentencing.

Intra-State probation transfer procedure for receiving court:

- I. If sentencing court wishes to transfer sanctioning authority:
 - A. If receiving court accepts sanctioning authority:

1. Receiving court notifies sentencing court of its decision accepting sanctioning authority.
2. Receiving court assigns the case an "MC" case type.
3. Receiving court must note on the CCS:
 - a) Name of the sentencing court.
 - b) Original case number.
 - c) Sentence handed down by sentencing court.
 - d) Sanctioning authority has been accepted.
4. The case is counted as a "New Filing" on Line B.
5. The receiving court must perform an indigency determination. If the offender is not indigent, the receiving court will collect a \$75 transfer fee.
6. The receiving court must then statistically dispose of the case as "Closed" on Line N.

B. If receiving court does not accept sanctioning authority:

1. Receiving court notifies sentencing court of its refusal to accept sanctioning authority.
2. Receiving court assigns the case an "MC" case type.
3. Receiving court must note on the CCS:
 - a) Name of the sentencing court.
 - b) Original case number.
 - c) Sentence handed down by sentencing court.
 - d) Sanctioning authority has been retained by sentencing court.
4. The case is counted as a "Venued In" on Line C.

5. The receiving court must perform an indigency determination. If the offender is not indigent, the receiving court will collect a \$75 transfer fee.

6. The receiving court must then statistically dispose of the case as "Closed" on Line N.

II. If sentencing court does not wish to transfer sanctioning authority:

A. Receiving court assigns the case an "MC" case type.

B. Receiving court must note on the CCS:

1. Name of the sentencing court.

2. Original case number.

3. Sentence handed down by sentencing court.

4. Sanctioning authority has been retained by sentencing court.

C. The case is counted as a "Venued In" on Line C.

D. The receiving court must perform an indigency determination. If the offender is not indigent, the receiving court will collect a \$75 transfer fee.

E. The receiving court must then statistically dispose of the case as "Closed" on Line N.

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