

IC 33-34

ARTICLE 34. MARION COUNTY SMALL CLAIMS COURTS

IC 33-34-1

Chapter 1. Establishment and General Provisions

IC 33-34-1-1

Judge

Sec. 1. As used in this article, "judge" means the judge of a small claims court established under this chapter unless otherwise indicated.

As added by P.L.98-2004, SEC.13.

IC 33-34-1-2

Establishment of courts

Sec. 2. (a) There are established township small claims courts in each county containing a consolidated city.

(b) The name of each court shall be the "_____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

As added by P.L.98-2004, SEC.13.

IC 33-34-1-3

Not a court of record

Sec. 3. The small claims court is not a court of record.

As added by P.L.98-2004, SEC.13.

IC 33-34-1-4

Terms of court

Sec. 4. The small claims court shall meet in continuous session.

As added by P.L.98-2004, SEC.13.

IC 33-34-1-5

Circuit court judge

Sec. 5. The judge of the circuit court shall extend aid and assistance to the judges in the conduct of the township small claims courts.

As added by P.L.98-2004, SEC.13.

IC 33-34-1-6

Full-time or part-time divisions

Sec. 6. A division of the small claims court must be a full-time division or a part-time division as determined by the individual township boards following a hearing conducted under section 7 of this chapter.

As added by P.L.98-2004, SEC.13. Amended by P.L.65-2004, SEC.13.

IC 33-34-1-7

Public hearings

Sec. 7. A hearing must be conducted to obtain evidence, opinions, advice, and suggestions from public officials and the general public concerning:

- (1) whether a small claims court should be established or abolished in the township, if the township has a population of less than fifteen thousand (15,000) persons;
- (2) whether the small claims court should be full time or part time;
- (3) the location of the small claims court courtroom and offices; and
- (4) other relevant matters.

As added by P.L.98-2004, SEC.13. Amended by P.L.65-2004, SEC.14; P.L.174-2006, SEC.2.

IC 33-34-1-8**Notice of hearings concerning small claims court**

Sec. 8. The township trustee shall give ten (10) days notice of all hearings held under section 7 of this chapter in one (1) or more newspapers of general circulation in the county.

As added by P.L.98-2004, SEC.13.

IC 33-34-1-9**Township board order**

Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township board shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

- (1) whether a small claims court shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;
- (2) whether the small claims court if any, shall function full time or part time;
- (3) the location of the small claims court courtroom and offices under IC 33-34-6-1; and
- (4) other relevant matters.

As added by P.L.98-2004, SEC.13. Amended by P.L.65-2004, SEC.15; P.L.174-2006, SEC.3.

IC 33-34-2

Chapter 2. Judges

IC 33-34-2-1

Election

Sec. 1. A judge shall be elected at the general election every four (4) years by the registered voters residing within the township in which the small claims court is located.

As added by P.L.98-2004, SEC.13. Amended by P.L.174-2006, SEC.4.

IC 33-34-2-2

Qualifications

Sec. 2. A judge must meet the qualifications prescribed by IC 3-8-1-30.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-3

Term of office

Sec. 3. The term of office of a judge is four (4) years, beginning January 1 after election and continuing until a successor is:

(1) elected; and

(2) qualified.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-4

Court schedule

Sec. 4. (a) The circuit court judge may establish a regular hourly schedule for the performance of duties by full-time or part-time township small claims courts and each judge shall maintain that schedule.

(b) If the circuit court judge does not establish a regular hourly schedule, the judge shall perform the judge's duties at regular, reasonable hours.

(c) Regardless of whether a regular hourly schedule has been established as set forth in subsection (a), a judge shall hold sessions in addition to the judge's regular schedule whenever the business of the judge's court requires.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-5

Salary

Sec. 5. (a) The salary of a judge who serves full time must be in an amount determined by the township board of the township in which the small claims court is located.

(b) The salary of each judge who serves part time must be in an amount determined by the township board and approved by the city-county council.

(c) The salary of a judge may not be reduced during the judge's term of office.

(d) At any other time, salaries of any full-time or part-time judge may be increased or decreased by the township board of the township in which the small claims court is located.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-6

Salary payment; conflict of duties

Sec. 6. (a) The annual salary of a judge shall be paid in twelve (12) equal monthly installments by the township trustee.

(b) The judge may not receive remuneration other than a salary set under section 5 of this chapter for the performance of the judge's official duties except payments for performing marriage ceremonies.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-7

Other employment

Sec. 7. (a) A judge serving part-time may participate in other gainful employment if the employment does not:

- (1) interfere with the exercise of the judge's judicial office; or
- (2) involve any conflict of interest in the performance of the judge's judicial duties.

(b) A judge serving full time may practice law if the practice does not conflict in any way with the judge's official duties and does not:

- (1) cause the judge to be unduly absent from the court; or
- (2) interfere with the ready and prompt disposal of the judge's judicial duties.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-8

Retirement fund; eligibility

Sec. 8. The:

- (1) judge of a small claims court; and
- (2) employees of the court;

may be eligible to participate in the public employees' retirement fund as provided in IC 5-10.3, but a judge is not eligible to participate as a member in the judges' retirement fund under IC 33-38.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-9

Vacations

Sec. 9. (a) A vacation of one (1) month per year shall be provided for a judge who serves in a full-time capacity.

(b) The circuit court judge may authorize the appointment of a judge pro tempore to handle the judicial business of the vacationing judge, if the circuit court judge considers it necessary.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-10

Discipline

Sec. 10. (a) A judge is subject to disciplinary action for the

grounds and in the manner set forth in IC 33-38-14.

(b) The commission on judicial qualifications for judges of the superior and probate courts is the commission on judicial qualifications for the judges of the small claims courts.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-11

Oath

Sec. 11. Before assuming the duties of a judge, a judge must take an oath to:

- (1) faithfully perform the duties of the judge's office; and
- (2) support and defend to the best of the judge's ability the constitution and laws of Indiana and the United States.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-12

Bond

Sec. 12. (a) A judge shall:

- (1) furnish a bond in a sum required by the circuit court judge to provide for the:
 - (A) faithful discharge of the duties of the office; and
 - (B) payment or delivery to the proper persons of whatever money or other property may come into the judge's hands when acting as judge; and
- (2) file the bond with the county recorder.

The bond must also extend to cover a person that is appointed to act as judge under IC 33-34-5-4.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-13

Seal

Sec. 13. (a) A judge shall procure a seal that will stamp upon paper a distinct impression of words and letters. The seal must contain the words " _____ Township of Marion County Small Claims Court" (insert the name of the township in the blank).

(b) Deeds, mortgages, powers of attorney, state warrants, and all other instruments of writing pertaining to the judge's official duty, attested by the seal and signature of the judge, are presumptive evidence of the official character of the court or judge in all courts in Indiana without further authentication.

As added by P.L.98-2004, SEC.13.

IC 33-34-2-14

Resignation

Sec. 14. (a) The resignation of a judge shall be delivered to the clerk of the circuit court. The clerk shall advise the circuit court and appropriate township board.

(b) A vacancy occurring in a judgeship must be filled under IC 3-13-10.

As added by P.L.98-2004, SEC.13.

IC 33-34-3

Chapter 3. Jurisdiction, Rules, and Procedure

IC 33-34-3-1

Venue in township small claims court within county

Sec. 1. (a) Except for a claim between landlord and tenant, a case within the jurisdiction of a small claims court may be:

- (1) venued;
- (2) commenced; and
- (3) decided;

in any township small claims court within the county. However, upon a motion for change of venue filed by the defendant within ten (10) days of service of the summons, the township small claims court shall determine in accordance with subsection (b) whether required venue lies with the court or with another small claims court in the county in which the small claims court action was filed.

(b) The venue determination to be made under subsection (a) must be made in the following order:

- (1) In an action upon a debt or account, venue is in the township where any defendant has consented to venue in a writing signed by the defendant.
- (2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.
- (3) Venue is in the township (in a county of the small claims court) where the greater percentage of individual defendants included in the complaint resides, or, if there is not a greater percentage, the place where any individual named as a defendant:
 - (A) resides;
 - (B) owns real estate; or
 - (C) rents an apartment or real estate or where the principal office or place of business of any defendant is located.
- (4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims court sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in the township where the real estate is located.

(d) If a written motion challenging venue is received by the small claims court, the court shall rule whether required venue lies in the township of filing.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-2

Contract and tort jurisdiction

Sec. 2. The court has original and concurrent jurisdiction with the circuit and superior courts in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-3

Possessory actions

Sec. 3. The court has original and concurrent jurisdiction with the circuit and superior courts in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000). The court also has original and concurrent jurisdiction with the circuit and superior courts in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000). These jurisdictional limitations are not affected by interest and attorney's fees.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-4

Emergency possessory actions

Sec. 4. The court has original and concurrent jurisdiction with the circuit and superior court in emergency possessory actions between a landlord and tenant under IC 32-31-6.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-5

Jurisdiction denied

Sec. 5. The small claims court has no jurisdiction:

- (1) in actions seeking injunctive relief or involving partition of real estate;
- (2) in actions to declare or enforce any lien except as provided in section 14 of this chapter;
- (3) in actions in which the appointment of a receiver is asked; or
- (4) in suits for dissolution or annulment of marriage.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-6

Adoption of rules

Sec. 6. The judge of the circuit court, assisted by the judges of the small claims court, shall make and adopt uniform rules for conducting the business of the small claims court:

- (1) according to a simplified procedure; and
- (2) in the spirit of sections 7 and 9 of this chapter.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-7

Rules of practice

Sec. 7. A simplified procedure shall be established by rule to enable any person, including the state, to:

- (1) file the necessary papers; and
- (2) present the person's case in court;

either to seek or to defend against a small claim without consulting or being represented by an attorney.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-8

Service of process

Sec. 8. (a) Upon the filing of a complaint, service of original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same last known place of residence.

(b) If service cannot be made in this manner, service of process shall be made in an alternate manner as provided by the Indiana Rules of Civil Procedure.

(c) Subsequent service of process, other than that originally served upon filing of the complaint, may be made by registered or certified mail or another manner authorized by the Indiana Rules of Civil Procedure.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-9

Trial

Sec. 9. A trial:

(1) must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law; and

(2) may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except the provisions relating to privileged communications and offers of compromise.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-10

No trial by jury

Sec. 10. There may not be a trial by jury in the small claims court.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-11

Waiver of trial by jury; transfer of claim

Sec. 11. (a) A filing of a civil claim in the small claims court constitutes a waiver of trial by jury by the plaintiff.

(b) A defendant in a small claims case waives the right to trial by jury unless the defendant requests a jury trial at least three (3) calendar days before the trial date that appears on the complaint. Upon the filing of a jury trial request, the small claims court shall transfer the claim to the superior court of the county. The defendant shall pay all costs necessary for filing the claim in the superior court as if the cause had been filed initially in that court.

(c) A notice of claim filed in the small claims court must include a statement that reflects the provisions of subsection (b).

As added by P.L.98-2004, SEC.13.

IC 33-34-3-12

Judicial notice

Sec. 12. The small claims court shall take judicial notice of municipal, city, and town ordinances.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-13

Satisfaction of judgment

Sec. 13. (a) If the judgment or order is against the defendant, the defendant shall pay the judgment at any time and upon terms and conditions as the judge orders.

(b) If the judge orders that the judgment be paid in specified installments, the judge may stay the issuance of execution and other supplementary process during the period of compliance with the order.

(c) A stay ordered under subsection (b) may be modified or vacated by the court.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-14

Judgments; lien on real estate

Sec. 14. (a) All judgments rendered in civil actions may be recorded in the judgment docket book of the proper division of the small claims court.

(b) A judgment entered by a small claims court is a lien on real estate when entered in the circuit court judgment docket in the same manner as a judgment in a court of general jurisdiction becomes a lien on real estate under IC 34-55-9.

(c) The clerk of the small claims court shall keep a docket in which judgments shall be entered and properly indexed in the name of the judgment defendant as judgments of circuit courts are entered and indexed.

As added by P.L.98-2004, SEC.13.

IC 33-34-3-15

Appeals

Sec. 15. (a) All appeals from judgments of the small claims court shall be taken to the circuit court or superior court of the county and tried de novo.

(b) The rules of procedure for appeals must be in accordance with the rules established by the circuit court and superior court.

(c) The appellant shall pay all costs necessary for the filing of the case in the circuit court or superior court, as if the appeal were a case that had been filed initially in that court.

As added by P.L.98-2004, SEC.13. Amended by P.L.201-2011, SEC.99.

IC 33-34-4
Chapter 4. Powers

IC 33-34-4-1
Administer oaths; certify records

Sec. 1. A judge may:

- (1) administer oaths;
- (2) take and certify acknowledgements of deeds; and
- (3) give all necessary certificates for the authentication of the records and proceedings of the small claims court.

As added by P.L.98-2004, SEC.13.

IC 33-34-4-2
Witnesses; contempt and enforcement of orders

Sec. 2. The small claims court has the same power as the circuit court in relation to the:

- (1) attendance of witnesses;
- (2) punishment of contempts; and
- (3) enforcement of its orders.

As added by P.L.98-2004, SEC.13.

IC 33-34-4-3
Process; judgments

Sec. 3. A judge may:

- (1) issue and direct all process to individuals and corporations necessary to exercise the jurisdiction of the court;
- (2) make all proper judgment, sentences, decrees, and orders; and
- (3) do all acts necessary or proper in conformity with state laws; assisted as necessary by the clerk of the circuit court.

As added by P.L.98-2004, SEC.13.

IC 33-34-4-4
Marriages

Sec. 4. Each judge may solemnize marriages.

As added by P.L.98-2004, SEC.13.

IC 33-34-5

Chapter 5. Transfer of Cases, Absent Judge, and Special Judge

IC 33-34-5-1

Transfer to other township small claims court

Sec. 1. The circuit court judge may transfer cases from one (1) township small claims court to another as necessary.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-2

Transfer of cases from another court

Sec. 2. A judge of the circuit or superior court may order a cause filed in the circuit or superior court to be transferred to the small claims court if the:

(1) small claims court has jurisdiction of the cause concurrent with the circuit or superior court; and

(2) judge consents to the transfer.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-3

Interchange of judges

Sec. 3. The judges of the small claims court may sit in place of each other and perform each other's duties:

(1) at the direction of or with the approval of the circuit court judge; and

(2) with the consent of the respective judges.

As added by P.L.98-2004, SEC.13.

IC 33-34-5-4

Judge unable to preside; appointment

Sec. 4. (a) If a judge is unable to preside over the judge's small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the small claims court subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the township trustee as accruable to the small claims judge in whose place the appointee is serving.

As added by P.L.98-2004, SEC.13. Amended by P.L.174-2006, SEC.5.

IC 33-34-5-5

Judge's absence

Sec. 5. (a) A judge absent from the bench for more than thirty (30)

days shall deposit the dockets, books, and papers of the office with the:

- (1) small claims judge of another township; or
- (2) circuit court;

as directed by the circuit court judge.

(b) A:

- (1) judge with whom the docket of another judge is deposited during a vacancy or an absence; and
- (2) successor of any judge who has the dockets of the successor's predecessor in the successor's possession;

may perform all duties that the judge might do legally in relation to the judge's own dockets.

(c) Process shall be returned to the judge who has the legal custody of the docket at the day of return.

As added by P.L.98-2004, SEC.13. Amended by P.L.174-2006, SEC.6.

IC 33-34-5-6

Special judge

Sec. 6. (a) Only another judge may serve as a special judge in the small claims court.

(b) Except for mileage and travel expense, a judge serving as a special judge under this section may not receive compensation in addition to the salary provided under this article.

As added by P.L.98-2004, SEC.13.

IC 33-34-6

Chapter 6. Facilities and Personnel

IC 33-34-6-1

Courtroom and office

Sec. 1. The township trustee shall provide a courtroom and an office for each judge in a convenient location within the township that has:

- (1) adequate access;
- (2) sufficient parking facilities;
- (3) a separate and appropriate courtroom;
- (4) proper space and facilities for the bailiff, clerks, and other employees; and
- (5) enough room for files and supplies.

As added by P.L.98-2004, SEC.13. Amended by P.L.174-2006, SEC.7.

IC 33-34-6-2

Supplies and maintenance

Sec. 2. A township shall:

- (1) furnish all:
 - (A) supplies, including all blanks, forms, stationery, and papers of every kind, required for use in all cases in the township small claims court; and
 - (B) furniture, books, and other necessary equipment and supplies; and
- (2) provide for all necessary maintenance and upkeep of the facilities where court is held.

As added by P.L.98-2004, SEC.13. Amended by P.L.174-2006, SEC.8.

IC 33-34-6-3

Clerks

Sec. 3. Each township shall provide an appropriate and competitive salary of at least five thousand six hundred dollars (\$5,600) for the number of clerks for the small claims court sufficient to:

- (1) operate efficiently; and
- (2) adequately serve the citizens doing business with the court.

As added by P.L.98-2004, SEC.13.

IC 33-34-6-4

Constable; election; deputies; compensation

Sec. 4. (a) The voters of each township having a small claims court shall elect a constable for the small claims court at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:

- (1) name of the candidate; and
- (2) court for which the candidate is to serve.

- (b) Each small claims court shall have a constable who:
 - (1) acts as the bailiff of the court;
 - (2) serves the court's personal service of process;
 - (3) has police powers to:
 - (A) make arrests;
 - (B) keep the peace; and
 - (C) carry out the orders of the court;
 - (4) must meet the qualifications prescribed by IC 3-8-1-31;
 - (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff for the court;
 - (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
 - (7) is compensated solely from the service of process fees collected under IC 33-34-8-1; and
 - (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable.
- (c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:
 - (1) perform all the official duties required to be performed by the constable;
 - (2) possess the same statutory and common law powers and authority as the constable;
 - (3) must take the same oath required of the constable;
 - (4) are compensated solely from the service of process fees collected under IC 33-34-8-1; and
 - (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause.
- (d) If there is an:
 - (1) emergency; or
 - (2) inability of a constable to carry out the constable's duties;the judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

As added by P.L.98-2004, SEC.13.

IC 33-34-7

Chapter 7. Records; Reports; Accounting

IC 33-34-7-1

Accounting rules and forms

Sec. 1. The state board of accounts shall provide rules, in cooperation with the appropriate county officers, to specify the:

- (1) forms; and
- (2) records;

for the handling and reporting of money and other property by or in connection with the small claims court.

As added by P.L.98-2004, SEC.13.

IC 33-34-7-2

Caseload reports

Sec. 2. Each judge shall prepare, certify, and file quarterly reports on March 31, June 30, September 30, and December 31 of each year with the circuit court judge, which must include the:

- (1) total case filings;
- (2) terminations; and
- (3) cases remaining open;

broken down by the type of case, in a form approved by and distributed under the direction of the circuit court judge.

As added by P.L.98-2004, SEC.13.

IC 33-34-7-3

Records

Sec. 3. The judge of the circuit court, with the assistance of the clerk of the circuit court, the judges of the small claims courts, and the state board of accounts, shall, at the expense of the townships:

- (1) provide the forms, blanks, court calendar books, judgment dockets, and fee books; and
- (2) make rules and instructions to direct the judges in keeping records and making reports.

The clerk of the circuit court shall keep full and permanent records and reports of each judge's past and current proceedings, indexed and available for reference as a public record.

As added by P.L.98-2004, SEC.13.

IC 33-34-8

Chapter 8. Fees and Costs

IC 33-34-8-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 33-11.6-4-15 (before its repeal, now codified at section 1 of this chapter) by P.L.141-2002 apply only to small claims actions initiated after June 30, 2002.

As added by P.L.220-2011, SEC.536.

IC 33-34-8-1

Fees and costs

Sec. 1. (a) The following fees and costs apply to cases in the small claims court:

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.
- (5) A redocketing fee, if any, of five dollars (\$5).
- (6) A document storage fee under IC 33-37-5-20.
- (7) An automated record keeping fee under IC 33-37-5-21.
- (8) A late fee, if any, under IC 33-37-5-22.
- (9) A public defense administration fee under IC 33-37-5-21.2.
- (10) A judicial insurance adjustment fee under IC 33-37-5-25.
- (11) A judicial salaries fee under IC 33-37-5-26.
- (12) A court administration fee under IC 33-37-5-27.
- (13) Before July 1, 2017, a pro bono legal services fee under IC 33-37-5-31.

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

As added by P.L.98-2004, SEC.13. Amended by P.L.85-2004, SEC.15; P.L.95-2004, SEC.3; P.L.2-2005, SEC.99; P.L.176-2005, SEC.2; P.L.136-2012, SEC.12.

IC 33-34-8-2

Transcripts

Sec. 2. The person who is designated by a judge to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

As added by P.L.98-2004, SEC.13.

IC 33-34-8-3

Payment, distribution, and deposit of costs and fees

Sec. 3. (a) Payment for all costs made as a result of proceedings in a small claims court shall be to the _____ Township of Marion County Small Claims Court (with the name of the township inserted). The court shall issue a receipt for all money received on a form numbered serially in duplicate. All township docket fees and late fees received by the court shall be paid to the township trustee at the close of each month.

(b) The court shall:

(1) semiannually distribute to the auditor of state:

(A) all automated record keeping fees (IC 33-37-5-21) received by the court for deposit in the homeowner protection unit account established by IC 4-6-12-9 and the state user fee fund established under IC 33-37-9;

(B) all public defense administration fees collected by the court under IC 33-37-5-21.2 for deposit in the state general fund;

(C) sixty percent (60%) of all court administration fees collected by the court under IC 33-37-5-27 for deposit in the state general fund;

(D) all judicial insurance adjustment fees collected by the court under IC 33-37-5-25 for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2;

(E) seventy-five percent (75%) of all judicial salaries fees collected by the court under IC 33-37-5-26 for deposit in the state general fund; and

(F) one hundred percent (100%) of the pro bono legal services fees collected before July 1, 2017, by the court under IC 33-37-5-31; and

(2) distribute monthly to the county auditor all document storage fees received by the court.

The remaining twenty-five percent (25%) of the judicial salaries fees described in subdivision (1)(E) shall be deposited monthly in the township general fund of the township in which the court is located. The county auditor shall deposit fees distributed under subdivision (2) into the clerk's record perpetuation fund under IC 33-37-5-2.

(c) The court semiannually shall pay to the township trustee of the township in which the court is located the remaining forty percent (40%) of the court administration fees described under subsection (b)(1)(C) to fund the operations of the small claims court in the trustee's township.

As added by P.L.98-2004, SEC.13. Amended by P.L.176-2005, SEC.3; P.L.174-2006, SEC.9; P.L.122-2008, SEC.2; P.L.182-2009(ss), SEC.391; P.L.136-2012, SEC.13.

IC 33-34-8-4

Quarterly accounting

Sec. 4. Fees, costs, and any other amounts collected by the courts shall be accounted for quarterly to the clerk of the circuit court on:

- (1) March 31;
- (2) June 30;
- (3) September 30; and
- (4) December 31;

of each year.

As added by P.L.98-2004, SEC.13.