

## **IC 33-32-2**

### **Chapter 2. General Powers and Duties**

#### **IC 33-32-2-1**

##### **Clerks in counties with multiple courts**

Sec. 1. In a county having one (1) or more superior courts or a county, municipal, or probate court, the clerk shall serve as clerk of the superior, county, and probate court as well as clerk of the circuit court.

*As added by P.L.98-2004, SEC.11.*

#### **IC 33-32-2-2**

##### **Election; term**

Sec. 2. A clerk of the circuit court shall be elected under IC 3-10-2-13 by the voters of each county. The term of office of a clerk is four (4) years, continuing until a successor is elected and qualified.

*As added by P.L.98-2004, SEC.11.*

#### **IC 33-32-2-3**

##### **Bond**

Sec. 3. In the manner prescribed by IC 5-4-1, the clerk of each county shall execute a bond conditioned upon:

- (1) the faithful discharge of the duties of the clerk's office; and
- (2) the proper payment of all money received by the office of the clerk.

*As added by P.L.98-2004, SEC.11.*

#### **IC 33-32-2-4**

##### **Clerk's office**

Sec. 4. (a) The board of county commissioners shall provide the clerk with an office at the county seat in a building provided for that purpose.

(b) The clerk shall keep the office open on every day of the year except on Sundays and legal holidays. However, the clerk:

- (1) shall keep the office of the clerk open on those days and times necessary for the proper administration of the election statutes; and
- (2) may close the office on those days that the judge of the circuit court orders the court closed in accordance with the custom and practice of the county.

(c) Any legal action required to be taken in the office of the clerk during the time the office is closed under this section may be taken on the next following day the office is open.

*As added by P.L.98-2004, SEC.11.*

#### **IC 33-32-2-5**

##### **Administering of oaths**

Sec. 5. A clerk may administer all oaths.

*As added by P.L.98-2004, SEC.11.*

### **IC 33-32-2-6**

#### **Duties concerning elections**

Sec. 6. A clerk shall carry out the duties prescribed for a clerk in IC 3 concerning elections.

*As added by P.L.98-2004, SEC.11.*

### **IC 33-32-2-7**

#### **Table of fees**

Sec. 7. A clerk shall post in a conspicuous place in the clerk's office a table of the clerk's fees. If a clerk fails to post a table of fees, a clerk may not demand or receive fees for services rendered.

*As added by P.L.98-2004, SEC.11.*

### **IC 33-32-2-8**

#### **Purchase of judgment, decree, or allowance prohibited**

Sec. 8. The clerk may not become the purchaser of any judgment, decree, or allowance of any court of which the clerk is an officer. All these purchases are void as to the purchaser.

*As added by P.L.98-2004, SEC.11.*

### **IC 33-32-2-9**

#### **Required training courses**

Sec. 9. (a) As used in this section, "training courses" refers to training courses related to the office of circuit court clerk that are compiled or developed by the Association of Indiana Counties and approved by the state board of accounts.

(b) An individual elected to the office of circuit court clerk after November 2, 2010, shall complete at least:

(1) fifteen (15) hours of training courses within one (1) year; and

(2) forty (40) hours of training courses within three (3) years; after the individual is elected to the office of circuit court clerk.

(c) A training course that an individual completes:

(1) after being elected to the office of circuit court clerk; and

(2) before the individual begins serving in the office of circuit court clerk;

shall be counted toward the requirements under subsection (b).

(d) An individual shall fulfill the training requirements established by subsection (b) for each term to which the individual is elected as circuit court clerk.

(e) This subsection applies only to an individual appointed to fill a vacancy in the office of circuit court clerk. An individual described in this subsection may, but is not required to, take training courses required by subsection (b). If an individual described in this subsection takes a training course required by subsection (b) for an elected circuit court clerk, the county shall pay for the training course as if the individual had been an elected circuit court clerk.

*As added by P.L.45-2010, SEC.1. Amended by P.L.279-2013, SEC.1.*

### **IC 33-32-2-9.2**

**Personal liability of clerk**

Sec. 9.2. (a) A clerk is not personally liable for any act or omission occurring in connection with the performance of the clerk's official duties, unless the act or omission constitutes gross negligence or an intentional disregard of the responsibilities of the office of clerk.

(b) The fact that a clerk is not personally liable under subsection (a) does not preclude an action against the clerk's bond based on an error or omission committed by the clerk.

*As added by P.L.60-2010, SEC.2.*

**IC 33-32-2-10****Use of registered or certified mail**

Sec. 10. (a) This section applies whenever the clerk is required to send by registered or certified mail a document filed with a court.

(b) The initial mailing of the document by registered or certified mail sent:

(1) to each party who is required to receive the mailing; and

(2) to only one (1) of the party's addresses;

shall be paid out of court costs and fees collected under IC 33-37.

(c) If a person requests the clerk to send a mailing by registered or certified mail after the initial mailing described in subsection (b), the person shall pay the cost of the mailing.

(d) In a county where court postage costs are paid by the clerk's office, the amount collected by the clerk for additional mailings by registered or certified mail shall be deposited into the clerk's record perpetuation fund established under IC 33-37-5-2. In a county where court postage costs are paid out of the county general fund, the amount collected by the clerk for additional mailings by registered or certified mail shall be returned to the county general fund.

*As added by P.L.78-2014, SEC.6.*