

IC 33-32-3

Chapter 3. Record Keeping Duties

IC 33-32-3-1

Duties

Sec. 1. (a) The clerk shall endorse the time of filing on each writing required to be filed in the office of the clerk.

(b) The clerk shall carefully preserve in the office of the clerk all records and writings pertaining to the clerk's official duties.

(c) The clerk shall procure, at the expense of the county, all necessary judges' appearance, bar, judgment, and execution dockets, order books, and final record books.

(d) The clerk shall enter in proper record books all orders, judgments, and decrees of the court.

(e) Not more than fifteen (15) days after the cases are finally determined, the clerk shall enter in final record books a complete record of:

- (1) all cases involving the title to land;
- (2) all criminal cases in which the punishment is death or imprisonment, except where a nolle prosequi is entered or an acquittal is had; and
- (3) all other cases, at the request of either party and upon payment of the costs.

As added by P.L. 98-2004, SEC. 11. Amended by P.L. 78-2014, SEC. 7.

IC 33-32-3-2

Circuit court judgment docket

Sec. 2. (a) The clerk:

- (1) shall keep a circuit court judgment docket; and
- (2) is the official keeper of the circuit court judgment docket.

(b) A judgment docket:

- (1) must contain:
 - (A) all civil judgments in which one (1) party owes money to another party, including any court costs awarded to a judgment creditor; and
 - (B) any entry that is required by a statute; and

- (2) may not include:
 - (A) judgments in which money is owed by a person to a state, a county, or another governmental entity as a result of:
 - (i) a criminal conviction; or
 - (ii) a violation of an infraction or ordinance; or
 - (B) except for cases in which the state obtains a judgment for unpaid taxes, judgments in which a governmental entity is the sole creditor.

(c) The clerk may keep a judgment docket in:

- (1) an electronic format;
- (2) a paper format; or
- (3) both an electronic and a paper format.

(d) Upon the filing in the office of the clerk a statement or transcript of any judgment for the recovery of money or costs, the

clerk shall enter, and index in alphabetical order, in this judgment docket a statement of the judgment showing the following:

- (1) The names of all the parties.
- (2) The name of the court.
- (3) The number of the cause.
- (4) The book and page of the record in which the judgment is recorded.
- (5) The date the judgment is entered and indexed.
- (6) The date of the rendition of judgment.
- (7) The amount of the judgment and the amount of costs.

(e) If a judgment is against several persons, the statement required to be entered under subsection (d) shall be repeated under the name of each judgment debtor in alphabetical order.

(f) A person interested in any judgment for money or costs that has been rendered by any state court, or by any federal court of general original jurisdiction sitting in Indiana, may have the judgment entered upon the circuit court judgment docket by filing with the clerk:

- (1) a verified statement setting forth the facts required under subsection (d); or
- (2) a verified copy of the judgment certified under the seal of the court that rendered the judgment.

(g) The judgment docket shall be made available for public inspection at the office of the clerk during regular office hours. If a judgment docket is kept in an electronic format:

- (1) the judgment docket must be searchable; and
- (2) a member of the public must be able to:
 - (A) search the judgment docket for the name of a specific party; and
 - (B) obtain a list of all judgments in the judgment docket concerning the party.

(h) If the wages of a judgment debtor are being garnished, a clerk is not required to notify the employer of the judgment debtor to suspend the garnishment after the judgment is satisfied. A request to suspend the garnishment must be submitted by the judgment debtor to the court that rendered the judgment. The clerk is not required to take any action under this subsection concerning a garnishment other than to obey the orders of the court that rendered the judgment.

As added by P.L.98-2004, SEC.11. Amended by P.L.78-2014, SEC.8.

IC 33-32-3-3

Circuit court judgment docket; public record

Sec. 3. The circuit court judgment docket is a public record that is open during the usual hours of transacting business for examination by any person.

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

IC 33-32-3-4

Entering judgments and releases

Sec. 4. A clerk shall:

- (1) enter a judgment or recognizance not more than fifteen (15) days after its rendition; or
- (2) cause a release of judgment to be entered on the judgment docket not more than fifteen (15) days after satisfaction of the judgment.

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

IC 33-32-3-5

Execution docket

Sec. 5. (a) The clerk shall keep an execution docket.

(b) The clerk shall enter all executions on the execution docket as they are issued by the clerk, specifying in proper columns the following information:

- (1) The names of the parties.
- (2) The amount of the judgment and the interest due upon the issuing of the execution.
- (3) The costs.

The clerk shall also prepare an additional column in which the clerk shall enter the return of the sheriff.

(c) The execution docket entries may be inspected and copied under IC 5-14-3-3.

(d) The clerk may keep an execution docket:

- (1) in hard copy form; or
- (2) in electronic form, if all information in the execution docket is available to the public to inspect or copy in the electronic form.

As added by P.L.98-2004, SEC.11. Amended by P.L.78-2014, SEC.9.

IC 33-32-3-6

Monthly reports; certified copies; forms

Sec. 6. (a) Before the twenty-fifth day of each month, the clerk shall prepare a report showing as of the close of business on the last day of the preceding month the following information:

- (1) The balance, if any, of fees payable to the county.
- (2) Fees collected for fish and game licenses.
- (3) Trust funds held, including payments collected for support.
- (4) The total of the balances of all fees and funds.
- (5) The record balance of money in each depository at the end of the month.
- (6) The cash in the office at the close of the last day of the month.
- (7) Any other items for which the clerk of the circuit court is entitled to credit.
- (8) The total amount of cash in each depository at the close of business on the last day of the month.
- (9) The total of checks issued against each depository that are outstanding at the end of the month and unpaid by the depositories.

(b) The clerk shall:

- (1) retain one (1) copy as a public record of the clerk's office;

and

- (2) file three (3) copies with the county auditor, who shall:
 - (A) present one (1) copy to the board of commissioners of the county at its next regular meeting; and
 - (B) transmit one (1) copy to the state board of accounts.

Each copy of the report must be verified by the certification of the clerk. The clerk shall file the original with the county auditor, who shall file it with the records of the county board of finance.

(c) The state board of accounts shall prescribe forms for the clerk's monthly reports.

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

IC 33-32-3-7

Register of fees

Sec. 7. (a) The clerk shall keep a register of witness fees and other court fees.

(b) When the clerk receives money in payment of court fees or fees for a witness or any other person, the clerk shall make an entry into the register recording the receipt of the payment.

(c) The register must contain the following information:

- (1) The names, in alphabetical order, of persons for whom payment has been received.
- (2) The cause for which the fee is paid.
- (3) In which fee book and on which page the fee is taxed.
- (4) The amount paid.
- (5) When the fee was paid in and when it was paid out.

(d) The register must be available for inspection at all times. The clerk may keep the register:

- (1) in hard copy form, in a conspicuous place in the clerk's office; or
- (2) in electronic form, if all information in the register is available to the public to inspect or copy in the electronic form.

As added by P.L.98-2004, SEC.11. Amended by P.L.78-2014, SEC.10.

IC 33-32-3-8

Delivery of records, books, and papers to successor

Sec. 8. At the end of the clerk's term, the clerk shall deliver to the clerk's successor all the records, books, and papers belonging to the clerk's office.

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

IC 33-32-3-9

Appropriation for blank books and stationery

Sec. 9. The county council shall appropriate reasonable sums to the clerk for necessary blank books and stationery.

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