

In the
Indiana Supreme Court

Cause No. 26S-MS-8

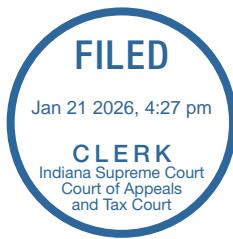
Order Amending Rules of Trial Procedure

The Committee on Rules of Practice and Procedure has proposed amendments to the Rules of Trial Procedure. The proposed amendments make a technical correction, add an extension of time for judicial officers to rule on motions, add waiver and tolling provisions for praecipes designating delay in a decision, and add that rules on change of venue or judge in civil actions apply to juvenile child in need of services cases and termination of parental rights cases.

The Court has considered the proposed amendments. Under this Court's authority to establish procedures and supervise the administration of all courts in the state, Trial Rules 50(A), 53.1, 53.2, and 76 are amended as set forth in Exhibit A to this order (deletions shown by **strikethrough** and new text shown by **underlining**).

These amendments are effective February 2, 2026.

Done at Indianapolis, Indiana, on 1/21/2026.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.

Exhibit A

Rules of Trial Procedure

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Rule 50. Judgment on the Evidence (Directed Verdict)

(A) Judgment on the Evidence--How Raised--Effect.

Where all or some of the issues in a case tried before a jury or an advisory jury are not supported by sufficient evidence or a verdict thereon is clearly erroneous as contrary to the evidence because the evidence is insufficient to support it, the court shall withdraw such issues from the jury and enter judgment thereon or shall enter judgment thereon notwithstanding a verdict. A party may move for such judgment on the evidence:-

...

(4) in a motion to correct errors; or

...

Rule 53.1. Failure to rule on motion

(A) Time limitation for ruling.

In the event a court fails for thirty ~~(30)~~ days to set a motion for hearing or fails to rule on a motion within thirty ~~(30)~~ days after it was heard or thirty ~~(30)~~ days after it was filed, if no hearing is required, upon application by an interested party and notice to the Chief Administrative Officer of the Indiana Office of Judicial Administration, the submission of the cause may be withdrawn from the trial judge and transferred to the Supreme Court for the appointment of a special judge.

(B) ExceptionsExcluded Time Periods.

The time limitation for ruling on a motion established under Section (A) of this rule must~~shall~~ exclude:

(1) any period after which the case is referred to alternative dispute resolution and until a report on the alternative dispute resolution is submitted to the court; and

(2) any period during which the court has permitted the parties to file post-hearing submissions. If the court allows post-hearing submissions, the court must make an entry on the Chronological Case Summary stating the date by which the parties are to file the

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submissions. The time limitation for ruling established under Section (A) begins when all parties have filed their post-hearing submissions or when the deadline for submissions occurs, whichever is first.

(C) Exceptions.

The time limitation for ruling on a motion established under Section (A) ~~of this rule does shall~~ not apply where:

- (1) The Court, within thirty ~~(30)~~ days after filing, orders that a motion be considered during the trial on the merits of the cause; or
- (2) The parties who have appeared or their counsel stipulate or agree on record that the time limitation for ruling on a motion ~~does shall~~ not apply; or ~~(3) The time limitation for ruling has been extended by the Supreme Court as provided by Section (D) of this rule; or~~
- ~~(34) The ruling in question involves a repetitive motion, a motion to reconsider, a motion to correct error, a petition for post-conviction relief, or a ministerial post-judgment act.~~

(D) Time of ruling.

For the purposes of Section (A) ~~of this rule~~, a court is deemed to have set a motion for hearing on the date the setting is noted in the Chronological Case Summary, and to have ruled on the date the ruling is noted in the Chronological Case Summary.

(E) Extension of time for ruling. ~~A judge may apply to the Supreme Court of Indiana to extend the time limitation set forth under Trial Rule 53.1, 53.2, or 53.3. The application must be filed prior to the filing of a praecipe with the Clerk under Trial Rules 53.1, 53.2, or 53.3, must be verified, must be served on the Clerk and all parties of record, and must set forth the following information:~~

- ~~(1) The nature of the matter under submission;~~
- ~~(2) The circumstances warranting the delay; and~~
- ~~(3) The additional time requested.~~

~~The withdrawal of submission under Trial Rule 53.1 or 53.2 or denial of a motion to correct error under Trial Rule 53.3 may not take effect during the pendency of the application for an extension of time to rule. However, if the time limitation expires while the application is pending before the Supreme Court, the jurisdiction of the trial judge shall be suspended at that point pending the action of the Supreme Court.~~

~~A judicial officer may extend the time limitation set forth under Trial Rule 53.1, 53.2, or 53.3 by an additional thirty days by an entry in the Chronological Case Summary and notice to~~

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the parties made prior to the time period's expiration. A judicial officer is not entitled to further additional extension without the parties' written consent.

(FE) Procedure for withdrawing submission.

Upon the filing by an interested party of a praecipe specifically designating the motion or decision delayed and notice to the Chief Administrative Officer of the Indiana Office of Judicial Administration, the Clerk of the court mustshall enter the date and time of the filing on the praecipe, record the filing in the Chronological Case Summary under the cause, which entry mustshall also include the date and time of the filing of the praecipe, and promptly forward the praecipe and a copy of the Chronological Case Summary to the Chief Administrative Officer (CAO) of the Indiana Office of Judicial Administration (IOJA). The CAO mustshall determine whether or not a ruling has been delayed beyond the time limitation set forth under Trial Rule 53.1 or 53.2.

(1) If the CAO determines that the ruling or decision has not been delayed, the CAO mustshall provide notice of the determination in writing to the Clerk of the court where the case is pending and the submission of the cause mustshall not be withdrawn. The Clerk of the court where the case is pending mustshall notify, in writing, the judge and all parties of record in the proceeding and record the determination in the Chronological Case Summary under the cause.

(2) If the CAO determines that a ruling or decision has been delayed beyond the time limitation set forth under Trial Rule 53.1 or 53.2, the CAO mustshall give written notice of the determination to the judge, the Clerk of the trial court, and the Clerk of the Supreme Court of Indiana that the submission of the case has been withdrawn from the judge. The withdrawal is effective as of the time of the filing of the praecipe. The Clerk of the trial court mustshall record this determination in the Chronological Case Summary under the cause and provide notice to all parties in the case. The CAO mustshall submit the case to the Supreme Court of Indiana for appointment of a special judge or such other action deemed appropriate by the Supreme Court.

(GF) Report to Supreme Court.

When a special judge is appointed under Trial Rule 53.1 or 53.2, the judge from whom submission was withdrawn mustshall, within ten (10) days from receipt of the order appointing a special judge, file a written report in the Supreme Court under the cause appointing the special judge. This report mustshall fully state the nature of the matters held in excess of the time limitations. Additionally, the report may relate any other facts or circumstances which the judge deems pertinent.

(H) Waiver and tolling.

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(1) If the requesting party files additional motions, correspondence, or pleadings after filing a praecipe, the requesting party waives the right to remove the judicial officer from the case, and the praecipe is void and of no effect.

(2) Once a praecipe is filed, all time limitations are tolled until resolution of the praecipe.

(1G) Permanent record.

The Supreme Court ~~must~~shall maintain a permanent record of special judge appointments under Trial Rules 53.1 and 53.2.

Rule 53.2. Time for holding issue under advisement; delay of entering a judgment

(A) Time limitation for holding matter under advisement.

Whenever a cause (including for this purpose a petition for post-conviction relief) has been tried to the court and taken under advisement by the judge, and the judge fails to determine any issue of law or fact within ninety ~~90~~ days, the submission of all the pending issues and the cause may be withdrawn from the trial judge and transferred to the Supreme Court for the appointment of a special judge.

(B) Excluded Time Periods.

The time limitation for ruling on a motion established under Section (A) must exclude:

(1) Any period after which the case is referred to alternative dispute resolution and until a report on the alternative dispute resolution is submitted to the court; and

(2) Any period during which the court has permitted the parties to file post-hearing submissions. If the court allows post-hearing submissions, the court must make an entry on the Chronological Case Summary stating the date by which the parties are to file the submissions. The time limitation for ruling established under Section (A) must begin when all parties have filed their post-hearing submissions or when the deadline for submissions occurs, whichever is first.

(C) Exceptions.

The time limitation for holding an issue under advisement established under Section (A) ~~of this rule~~ does not apply where:

(1) ~~T~~he parties who have appeared or their counsel stipulate or agree on record that the time limitation for decision set forth in this rule does not apply;

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~~(2) The time limitation for decision has been extended by the Supreme Court pursuant to Trial Rule 53.1(D).~~

(D) Time of decision.

For the purpose of Section (A) ~~of this rule~~, a court is deemed to have decided on the date the decision is noted in the Chronological Case Summary.

(E) Extension of time for decision.

The procedure for extending the time limitation for decision ~~must shall~~ be as set forth in Trial Rule 53.1(E).

(F) Procedure for withdrawing submission.

The procedure for withdrawing submission and processing the appointment of a special judge ~~must shall~~ be as set forth in Trial Rule 53.1(F).

(G) Report to Supreme Court.

Whenever a special judge is appointed pursuant to this rule, the judge from whom submission has been withdrawn ~~must shall~~ file a report with the Supreme Court as provided for in Trial Rule 53.1(G).

(H) Waiver and tolling.

~~(1) If a requesting party files additional motions, correspondence, or pleadings after filing a praecipe, the party waives the right to remove the judicial officer from the case, and the praecipe is void and of no effect.~~

~~(2) Once a praecipe is filed, all time limitations are tolled until resolution of the praecipe.~~

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Rule 76. Change of venue ~~or judge in civil actions~~

(A) Change of venue from the county.

~~(1) Basis for change. In civil actions where the venue may be changed from the county, such change of venue from the county may be had only upon the filing of a verified motion specifically stating the grounds therefor by the party requesting the change. The motion shall be granted only upon a showing. A party seeking a change of venue from the county must file a verified motion stating that the county where suit is pending is a party or that the party seeking the change will be unlikely to receive a fair trial due to an account of local prejudice or bias regarding a party or the claim or defense presented by a party. A party shall be entitled to only one change of venue from the county. The court must grant the~~

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~~motion if it finds the grounds have been established. A denial of the motion for change of venue from the county based on the inability to receive a fair trial is shall be reviewable only for an abuse of discretion. The Rules of Criminal Procedure shall govern proceedings to enforce a statute defining an infraction.~~

(2) Procedure. Within ten days from granting the motion, the parties may agree on the county to which the case is venued, and the court must transfer the action to such county. In the absence of an agreement, the court must, within five days, issue an order listing three counties that are adjoining or in the same administrative district from which the parties must alternately strike. The movant strikes first within five days of the court's order. The parties thereafter strike alternately within five days until one county remains, to which the case must be venued. If the party is brought into the action under Rule 14, and that party later files a motion for change of venue that is granted, that party and the plaintiff are the parties entitled to strike. If a party fails to timely strike, the clerk strikes for that party.

(B) Change of judge. ~~In civil actions, where a change may be taken from the judge, such change shall be granted upon the filing of an unverified application or motion without specifically stating the ground therefor by a party or his attorney. Provided, however, a party shall be entitled to only one [1] change from the judge. After a final decree is entered in a dissolution of marriage case or paternity case, a party may take only one change of judge in connection with petitions to modify that decree, regardless of the number of times new petitions are filed. The Rules of Criminal Procedure shall govern proceedings to enforce a statute defining an infraction.~~ A change of judge is granted upon the filing of an unverified application or motion without stating specific grounds. The new judge must be selected in accordance with Rule 79.

(C) Timing of motion. ~~In any action except criminal no change of judge or change of venue from the county shall be granted except within the time herein provided. All motions under this rule Any such application for change of judge (or change of venue) must shall be filed not later than ten [10] days after the issues are first closed on the merits. Except for the following:~~

~~(1) in those cases where no responsive pleading or answer is may be required to be filed by the defending party to close issues (or no responsive pleading is required under a statute), in probate and receivership proceedings, and in remonstrances and similar matters, each party has shall have thirty [30] days from the date the case is filed placed and shown entered on the chronological case summary of the court as having been filed;~~

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(2) in those cases of claims in probate and receivership proceedings and remonstrances and similar matters, the parties thereto shall have thirty [30] days from the date the case is placed and entered on the chronological case summary of the court as having been filed;

(23) if the trial court or a court on appeal orders a new trial, or if a case is remanded ~~court on appeal otherwise remands a case such that a further hearing and receipt of evidence are required to reconsider all or some of the issues heard during the earlier trial~~, the parties thereto shall have ten [10] days from the date the order of the trial court is entered or the date the order of the court on appeal is certified;

(34) following the grant of a motion under this rule in the event a change is granted from the judge or county within the prescribed period, as stated above, a motion request for a change of judge or county may be made by a party still entitled thereto change of county or judge within ten [10] days after the case has been transferred and assigned a new case number in the receiving court ~~special judge has qualified or the moving party has knowledge the cause has reached the receiving county or there has been a failure to perfect the change. Provided, however, this subdivision (4) shall operate only to enlarge the time allowed for such request under such circumstances, and it shall not operate to reduce the period prescribed in subdivisions (C), (C)(1), (C)(2), (C)(3); or~~

(5) where a party has appeared at or received advance notice of a hearing prior to the expiration of the date within which a party may ask for a change of judge or county, and also where at said hearing a trial date is set which setting is promptly entered on the Chronological Case Summary, a party shall be deemed to have waived a request for change of judge or county unless within three days of the oral setting the party files a written objection to the trial setting and a written motion for change of judge or county;

(46) if the moving party first obtains knowledge of the grounds for change of ~~venue~~ from the county or judge after the time limitations above limited, the ~~he~~ party may file a motion ~~said application, which must be~~ verified personally by the party ~~himself~~, specifically alleging when the ground ~~cause were~~ was first discovered, how the grounds were discovered, the facts showing the grounds for a change, and why the ~~such~~ ground ~~cause~~ could not have been discovered ~~earlier~~ ~~before~~ by the exercise of due diligence. Any opposing party ~~has~~ shall have the right to file a verified response ~~counter-affidavits on such issue~~ within ten [10] days, ~~and, t~~ The trial court's ruling of the court on the timeliness of the request may only be reviewed ~~only~~ for abuse of discretion.

(D) Limitation on change from county or judge. Whenever a change of ~~venue~~ from the county is granted, the parties may, within three (3) days from the granting of the motion or affidavit for the change of ~~venue~~, agree in open court upon the county to which ~~venue~~ shall

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~~be changed, and the court shall transfer such action to such county. In the absence of such agreement, the court shall, within two (2) days thereafter, submit to the parties a written list of all counties adjoining the county from which the venue is changed, and the parties within seven (7) days from the date the clerk mails the list to the parties or within such time, not to exceed fourteen (14) days from that date, as the court shall fix, shall each alternately strike off the names of such counties. The party first filing such motion shall strike first, and the action shall be sent to the county remaining not stricken under such procedure. If a party is brought into the action as provided in Trial Rule 14, and that party thereafter files a motion for change of venue which is granted, that party and the plaintiff shall be the parties entitled to strike. A moving party that fails to strike within said time shall not be entitled to a change of venue, and the court shall resume jurisdiction of the cause. If a nonmoving party fails to strike within the time limit, the clerk shall strike for such party. A party is limited to one change of county and one change of judge in all civil cases, including cases where a petition to modify any final decree is filed.~~

(E) Infractions. The Rules of Criminal Procedure govern proceedings involving an infraction.

(F) Juvenile child in need of services and termination cases. This rule governs cases in which a child is alleged to be in need of services or is the subject of a petition to terminate the parent-child relationship.

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