

IC 33-35-2

Chapter 2. Judge's Powers and Jurisdiction

IC 33-35-2-1

Judge of city or town court; powers and duties; special judge

Sec. 1. (a) A judge of a city or town court:

- (1) may adopt rules for conducting the business of the court;
- (2) has all powers incident to a court of record in relation to:
 - (A) the attendance of witnesses;
 - (B) the punishment of contempts;
 - (C) the enforcement of its orders; and
 - (D) the issuance of commissions for taking depositions in cases pending in the court;
- (3) may administer oaths; and
- (4) may give all necessary certificates for the authentication of the records and proceedings of the court.

(b) If the judge is temporarily absent or unable to act, the judge shall appoint a reputable practicing attorney to preside in the judge's absence as special judge. The special judge:

- (1) has all the powers and rights; and
- (2) shall perform all the duties;

of the judge of the court as fully as the regular judge appointing the special judge.

As added by P.L.98-2004, SEC.14.

IC 33-35-2-2

Town and city courts; seal

Sec. 2. A judge of a city or town court shall provide, at the expense of the town or city, a seal for the court that must contain on the face the words: "(Town or City) Court of _____, Indiana.". A description of the seal, together with an impress of it, shall be put on the records of the court.

As added by P.L.98-2004, SEC.14.

IC 33-35-2-3

City court; jurisdiction over crimes, infractions, and violations

Sec. 3. A city court has the following jurisdiction over crimes, infractions, and ordinance violations:

- (1) Jurisdiction of all violations of the ordinances of the city.
- (2) Jurisdiction of all misdemeanors and all infractions.
- (3) If the city that established the city court has entered into an interlocal agreement described in IC 33-35-1-6 with another city or a town, jurisdiction of all other ordinance violations described in the interlocal agreement.

As added by P.L.98-2004, SEC.14. Amended by P.L.55-2010, SEC.2.

IC 33-35-2-4

City court; concurrent civil jurisdiction; limitations

Sec. 4. A city court has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not

exceed five hundred dollars (\$500). However, the city court does not have jurisdiction in actions for:

- (1) slander;
- (2) libel;
- (3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
- (4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
- (5) actions in equity.

As added by P.L.98-2004, SEC.14.

IC 33-35-2-5

Certain city or town courts; concurrent jurisdictions; limitations

Sec. 5. The city court of each of the four (4) cities having the largest populations and the town court of the town having the largest population in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) have concurrent civil jurisdiction with the circuit court of the county where the amount in controversy does not exceed three thousand dollars (\$3,000). The court has jurisdiction in any action where the parties or the subject matter are in the county in which the city or town is located. However, the city or town court does not have jurisdiction in:

- (1) actions for slander or libel;
- (2) matters relating to decedents' estates, appointment of guardians, and all related matters;
- (3) dissolution of marriage actions; or
- (4) injunction or mandate actions.

As added by P.L.98-2004, SEC.14.

IC 33-35-2-6

City courts in third class cities that are not county seats; civil jurisdiction; limitations

Sec. 6. A city court in a third class city that is not a county seat and to which section 5 of this chapter does not apply has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed three thousand dollars (\$3,000). However, the city court does not have:

- (1) jurisdiction in actions for:
 - (A) slander;
 - (B) libel;
 - (C) foreclosure of mortgages on real estate, in which the title to real estate is in issue;
 - (D) all matters relating to a decedent's estate, appointment of guardians and all related matters; and
 - (E) actions in equity; and
- (2) original jurisdiction in which the principal defendant resides within another city having a city court with a civil jurisdiction.

Judgments rendered in the city court, when a certified transcript is filed with the clerk of the circuit court, have the same force as

judgments rendered in the circuit court.
As added by P.L.98-2004, SEC.14.

IC 33-35-2-6.5

Certain city courts; concurrent civil jurisdiction; limitations

Sec. 6.5. A city court in a city having a population of more than ten thousand five hundred (10,500) but less than eleven thousand (11,000) has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed one thousand five hundred dollars (\$1,500). However, the city court does not have jurisdiction in actions for:

- (1) slander;
- (2) libel;
- (3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
- (4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
- (5) actions in equity

As added by P.L.74-2012, SEC.4.

IC 33-35-2-7

Proceedings where title to land is put in issue

Sec. 7. If in a proceeding in a city court the title to land is put in issue by plea supported by affidavit, or manifestly appears from the proof on trial to be in issue, the court shall, without further proceeding, certify the case and papers to the circuit or other court having jurisdiction in the county in which the case is being tried. However, if the title to land is put in issue by affidavit or verified pleading, the court shall at once hear and determine whether title is in issue, and, if the proof supports the issue, then the case shall be certified for final determination, including the issue of title.

As added by P.L.98-2004, SEC.14.

IC 33-35-2-8

Town courts; jurisdiction

Sec. 8. (a) A town court has exclusive jurisdiction of all violations of the ordinances of the town.

(b) A town court also has jurisdiction of all misdemeanors and all infractions.

(c) If the town that established the town court has entered into an interlocal agreement described in IC 33-35-1-6 with a city or another town, the town court has jurisdiction of all other ordinance violations described in the interlocal agreement.

As added by P.L.98-2004, SEC.14. Amended by P.L.55-2010, SEC.3.