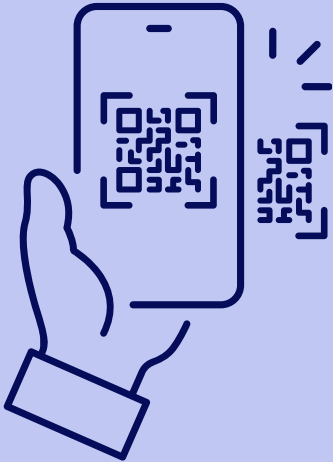




# EVICITION

## IN VANDERBURGH COUNTY INDIANA

A brief overview of the eviction process  
and what to expect in court.



[www.indianalegalhelp.org/events/](http://www.indianalegalhelp.org/events/)

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established by Section 3201 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2

This booklet provides information on the eviction process, but it is not a substitute for an attorney. Representing yourself in court can have serious consequences. Please consult with an attorney for any legal matter.

## Eviction Filings Per Year

Civil Court Data Initiative. Legal Services Corporation, 2022 (accessed 03/11/2024)

<u>INDIANA</u>		<u>VANDERBURGH</u>	
2023	-----> 74,641	2023	-----> 2,933
2022	-----> 71,823	2022	-----> 3,022
2021	-----> 53,856	2021	-----> 2,177

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**1 OUT OF 10**

**HOUSEHOLDS WILL FACE AN EVICTION FILING  
IN VANDERBURGH COUNTY**

# GENERAL TIPS FOR ATTENDING COURT

1.

## ALWAYS GO TO YOUR SCHEDULED HEARING!

- The consequences of missing court can result in a **default judgment**.
- You may not qualify for **eviction sealing** if you do not attend your hearing.
- The plaintiff can also ask for an individual to move out sooner. Minimum move out time is 2 days by Sheriff.
- Without a defendant present, the plaintiff can argue for a higher amount of money damages than what is owed (up to \$10,000).
- Judgments can lead to **garnishment** at a later date.

2.

## ALWAYS KNOW YOUR LEGAL RIGHTS BEFORE YOUR HEARING

- Review lease and ask questions if needed.
- Tenants have rights under Indiana State Code and Fair Housing Act.
- Protected individuals have additional rights. **(See Page 9)**
- Lack of information can leave tenants vulnerable, especially in court, like Subsidized Housing Tenants. **(See Page 7)**

3.

## BE PREPARED BEFORE YOUR HEARING

- Print and bring 3 copies of any documents that might assist your case.
- Review your Order to Appear for the correct time and Court Room number and bring this with you when you speak to an attorney.
- Bring 3 physical copies of any photographs that can help your case.
- Bring all of your receipts of payment including proof you offered payment.

4.

## JUDGES ARE NOT THERE TO GIVE LEGAL ADVICE

- Judges ensure fair decisions by treating everyone equally and making judgments based on presented facts without bias.
- To be fair and impartial, they cannot give either party legal advice. Any legal questions need to be answered by either parties' attorney.

5.

## THE OTHER PARTY'S ATTORNEY IS NOT YOUR ATTORNEY

- The other party's attorney represents their client's interests, not yours, and cannot provide you with legal advice, even though they may be knowledgeable about eviction laws.



## LEGAL REPRESENTATION IN INDIANA

**LANDLORDS: 70.4%****TENANTS: 1.2%**

The information above represents 61,007 cases in Indiana in 2022.  
This information can be found at the website listed below:  
<https://civilcourtdata.isc.gov/data/eviction/indiana>

# POSSESSION HEARING OVERVIEW

The process begins after one party has filed a complaint with the clerk for an Order of Possession. Then the other party has to be issued a Summons to Appear. Furthermore, the summons is served to the defendant with all required details of the hearing. The Possession Hearing will occur on the date and time listed on the Summons to Appear. For more information on "service" see page 10.

## WHAT TO EXPECT:

1.

The court offers the **Pre-Eviction Diversion Program** to both parties before their hearing. This is included with your Summons to Appear. *It's not mandatory*, but both parties can choose to participate after reading and signing a document. The document also provides free legal aid information and an advisement of your rights as a tenant.

**The Judge cannot force either party into the program**

2.

The judge will state the plaintiff's (landlord's) complaint. (Most commonly non-payment of rent)

3.

The defendant (tenant) will then be asked to **admit or deny** the complaint detailed in the petition.

4.

If the tenant admits, **possession** is then granted to the plaintiff (landlord). A date is set by the court for when the tenant and ALL of their property need to be out. (Typically two weekends from the hearing date)

5.

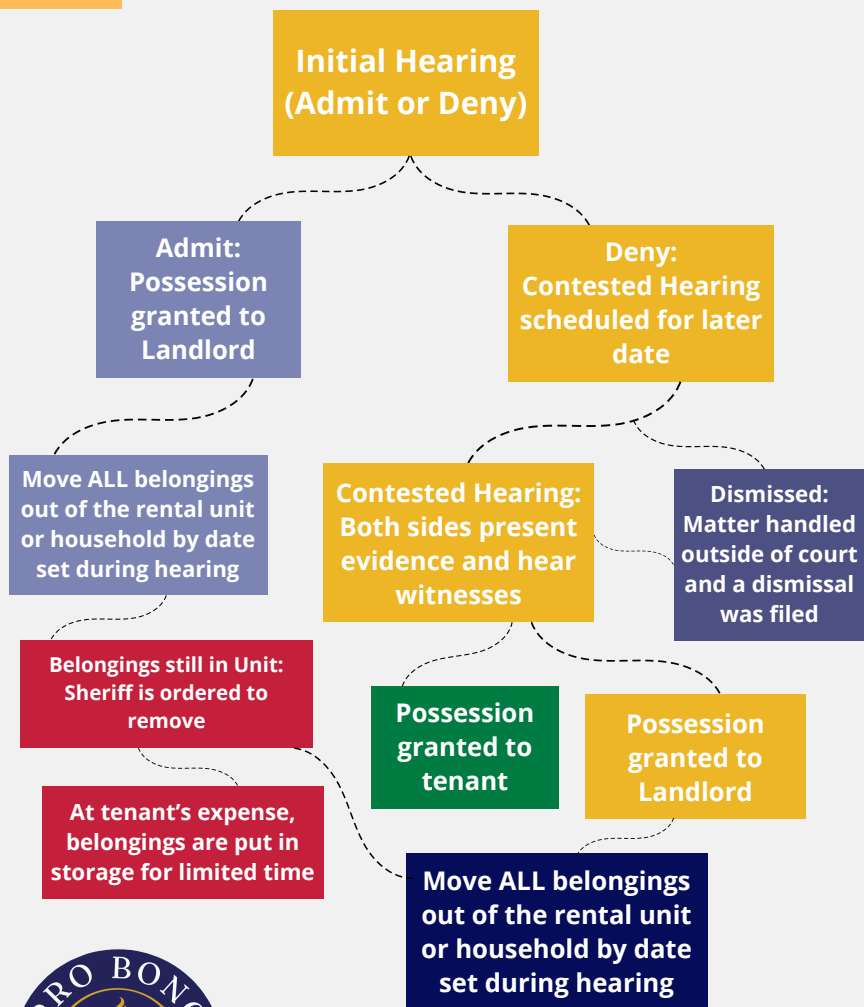
If the tenant denies, the judge may schedule you a **contested hearing**. If asked, the tenant may provide evidence as to why they deny the complaint. (Example: Pending appointment with attorney)



## Pre-Eviction Diversion Program

[in.gov/courts/housing/fast](http://in.gov/courts/housing/fast)

# POSSESSION HEARING FLOW CHART



To Learn More About Eviction Visit:

[www.evictionlab.org](http://www.evictionlab.org)

[www.SAVI.org](http://www.SAVI.org)

<https://civilcourtdata.lsc.gov/data/eviction/indiana>

# DAMAGES HEARING OVERVIEW

The Damages Hearing is the hearing scheduled after the Possession Hearing where the court evaluates monetary claims from both parties. This could include outstanding rent or damage costs claimed by the plaintiff; or claims from the defendant such as a refund for overpaid rent.

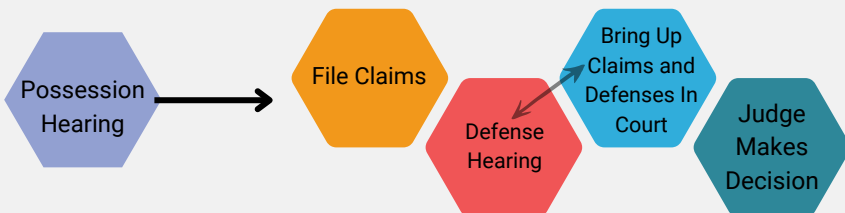
## WHAT TO EXPECT:

1.

The **plaintiff (landlord)** and **defendant (tenant)** stand before a **judge**. The landlord may discuss their claims brought to the court, such as past due rent payments and/or costs related to damages to the property that is owed.

2.

The tenant may make **defenses** or discuss the **claims filed before the hearing** to the judge. The defenses and claims vary by case. These claims and defenses generally relate to money the landlord owes the tenant or opposing the itemized list of damages presented by the landlord. There are other claims and defenses outside of these examples. **Speak to an attorney if you have questions.**



### Reminder:

**Print out 3 copies of documentation if you would like to present it as evidence in court. You can do this at the Law Library, Room 207.**

# SUBSIDIZED HOUSING OVERVIEW

Subsidized housing programs vary in their funding, regulation rules, and government agency. Programs receive federal funding, which is distributed to each state and managed by the Housing Authority or a local organization. Certain programs allow tenants to move, while others are site-based. Tenant rights may change depending on the type of program they have entered. Some tenants may be in multiple programs in which the rights of the tenant will need to be reviewed accordingly. (Example: A tenant with a Housing Choice Voucher who is residing in a Low-Income Housing Tax Credit property.)

## GENERAL TIPS:

1. Speak to an attorney right away if you are facing eviction or termination of assistance.

2. There are many types of subsidized housing programs, and some may overlap. Know exactly which programs apply to you and your situation. (Ask your local **Housing Authority** for your **lease** and **program information**.)

3. For the best guidance, take all information provided by the **Housing Authority** and any records you have collected to an attorney.

4. Talk to your local Housing Authority about the **grievance procedure** or **informal hearing** process. For some programs, these **MUST** happen before a formal eviction process begins.

5. Tenants in **public housing** or **RAD** may request a hardship waiver from their local Housing Authority if they face eviction for non-payment of rent.



## Evansville Housing Authority

Location: 500 SE 10th St.

Open: M-F, 8am-5pm

812-428-8500

[admin@evansvillehousing.org](mailto:admin@evansvillehousing.org)

# MOBILE HOMES

## OVERVIEW

Mobile home communities, their owners, and defendants follow the standard eviction process if the mobile home is situated on a lot owned by the plaintiff. However, if you are a mobile home owner, there are other Indiana Codes that may also apply to your situation, in addition to other things you should be cautious of when dealing with eviction due to non-payment of lot rent.

### GENERAL TIPS:

1. Speak to an attorney right away and **come prepared with your lease** along with any information regarding homeownership such as a title or signed rent to own contract. If you can, bring your mobile home park rules as well.
2. Keep in mind that a mobile home park owner may put a **lien** on your property for unpaid fees which may prevent you from getting a **permit** to move your home out of the community. (Contact an attorney right away if this is the situation.)
3. Certain protections many tenants have in rental units generally do not apply to renters in mobile home parks. Be sure to know your rights before your hearing.
4. Determine if your mobile home park has a **valid permit** with the Health Department. Certain protections apply when a valid permit exists with a mobile home park, such as good drainage or working water.



Look up mobile home park's with valid ISDH permits by scanning the QR code using your smartphone's camera!





# DOMESTIC VIOLENCE AND SEXUAL ASSAULT INFORMATION

Landlords have certain duties to protected individuals to help ensure your safety and ability to maintain your protection order. If you or someone in your household has been the victim of Domestic Violence, Sexual Violence, or Stalking; AND a civil Protection Order (PO) or criminal No Contact Order (NCO) has been granted from a finding of such acts, then these laws will apply to you.

## GENERAL TIPS:

1.

Victims of Domestic Violence are afforded special rights and can, in some cases, have their locks changed or terminate their lease entirely if needed for their safety. If you feel as though this applies to you, please reach out to a Domestic Violence advocate and an attorney to understand how to discuss this with your landlord.

2.

Always try to talk or email with the landlord and work out any issues before an eviction is filed and save those conversations if possible. Do not ignore communication from your landlord. Just having the eviction on your record can be detrimental to your ability to get future housing.

3.

If a Domestic Violence program is working with a survivor with an emergency legal issue (such as a protection order where the offending party is represented by counsel), the Indiana Coalition Against Domestic Violence can provide help by referring a local or regional attorney who can assist.

**DV AND SA RESOURCES:**  
**INDIANA COALITION AGAINST DOMESTIC VIOLENCE**  
**WWW.ICADVINC.ORG**

**ALBION FELLOWS BACON CENTER**  
**812-422-9372**

**YWCA**  
**WWW.YWCAEVANSVILLE.ORG**  
**812 422-1191**



**Bifurcated Eviction Hearings:** Landlord-tenant hearings are split into two parts. The first part decides possession and the second part decides monetary issues. This allows courts to quickly resolve possession matters while thoroughly considering claims of money owed.

**Pro Se:** A party representing themselves without an attorney is said to be participating pro se.

**Notice:** A landlord can provide a legal document to a tenant if they violate the lease or refuse to vacate the property. A 10-Day Notice or a One-Month Notice may be required depending on the lease agreement. Speak to an attorney if you are unsure if notice was given properly.

**Service:** The legal process of notifying relevant parties about court proceedings and hearing details. If you missed your hearing, speak to an attorney or call the court to see if a new hearing can be scheduled. Typically, tenants receive notice of hearing 5-20 days in advance. Service may be completed by certified mail or by sheriff. Service can also be satisfied by leaving the Summons to Appear on the door and by mailing it to the dwelling.

**Summons to Appear:** A legal document that notifies a defendant that a lawsuit has been filed against him.

**Good Cause:** Generally defined as material violations of the lease, which may include non-payment of rent, damage to property, failure to follow property rules, interference with other tenants, or fraud.

**Continuance:** Refers to the postponement of a hearing. Either party can request them for many reasons. (Although, the court does not have to grant)

**Complaint:** A document filed with the Small Claims Court by the landlord to begin a civil case. Ex: nonpayment of rent or lease violation

**Answer to Complaint:** A written response to a complaint where the respondent can admit or deny.

*To Learn More About Eviction Visit:*

[www.evictionlab.org](http://www.evictionlab.org)

[www.SAVI.org](http://www.SAVI.org)

<https://civilcourtdata.lsc.gov/data/eviction/indiana>



**Counterclaims:** A written motion to seek damages, loss of property, and/or a security deposit. If you believe you need help with this process, please speak to an attorney to assist you.

**Possession:** The legal right to occupy and possess a property. When a landlord and tenant sign a lease, the landlord grants possession of the rental property to the tenant according to the terms of their rental agreement.

**Writ of Possession:** A court-issued document that orders a tenant to leave the rental property by a specific time or face removal by law officers.

**Default Judgment:** A court decision made in favor of either party when the other party fails to respond to the summons or appear in court.

**Eviction Sealing:** Under certain circumstances, an eviction record can be removed from a tenant's public record.

**Small Claims Maximum:** The maximum amount a plaintiff can sue for in Small Claims Court. With an attorney, the maximum amount a plaintiff can win is \$10,000 according to the Small Claims Manual. (<https://www.in.gov/courts/files/small-claims-manual.pdf>)

**Designated Representative:** A person who does not own the rental unit in question but is legally allowed to represent the owner during an eviction hearing, often a property manager.

**Lien:** A legal right acquired by a creditor in someone else's property. It prevents sale until the creditor's obligation is satisfied, or they may take possession of the property if the obligation is not met.

**Emergency Possession:** Tenants or Landlords may file a petition for an Emergency Possessory Order. For tenants this could be due to the landlord locking you out WITHOUT using the court system. For landlords, this could be due to a tenant actively destroying the property.

*To Learn More About Eviction Visit:*

[www.evictionlab.org](http://www.evictionlab.org)

[www.SAVI.org](http://www.SAVI.org)

<https://civilcourtdata.lsc.gov/data/eviction/indiana>



# TALK TO A LAWYER

812-618-4845  
888-594-3449

**1st Thursday: 4:30PM-6:00PM**  
**3rd Tuesday: 11:00AM-1:00PM**

# EVICITION HELP DESK

Monday-Friday  
8AM-9AM

**Vanderburgh County Courthouse  
Law Library, Rm 207**

# EVICITION CLINIC

2nd and 4th Thursday  
12PM-1PM

**Vanderburgh County Courthouse  
Law Library, Rm 207**

# INDIANA LEGAL SERVICES

844-243-8570  
Monday-Friday

9AM-2PM Intake by Phone  
[www.indianalegalservices.org](http://www.indianalegalservices.org)

# LEGAL AID SOCIETY

(Vanderburgh County Only)  
812-435-5173  
(Intake Line open from 8AM-11:30AM)  
Monday-Friday  
8AM-4PM

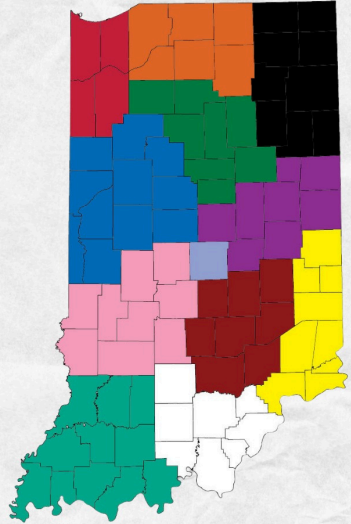
**Vanderburgh County Civic Center  
Rm 105**



Each district coordinates with local attorneys in their area to facilitate pro bono services to low-income individuals with civil legal needs. This is accomplished through direct case placement and brief legal advice clinics.

### Our Offices:

-  Hobart
-  South Bend
-  Fort Wayne\*
-  Lafayette
-  Kokomo
-  New Castle
-  Bloomington
-  Indianapolis
-  Columbus
-  Lawrenceburg
-  Jeffersonville
-  Evansville



\*The Fort Wayne pro bono district is not part of Pro Bono Indiana.



**VANDERBURGH  
LAW LIBRARY  
FOUNDATION**