

Court Watcher's Toolkit: Evictions in Indiana



Hoosier Housing Needs Coalition

Find this toolkit online at: www.housing4hoosiers.org/court-watchers-toolkit

Published August 2022

Why Watch Local Eviction Proceedings in Court?

The eviction court case session is where the affordable housing crisis and the issue of tenant rights comes to a head. It is one of the most pivotal moments for those struggling to maintain stable housing, and it is certainly the most public part. We cannot easily see the private side of what it's like to have unstable housing, such as a person's experiences with 'couch surfing', sleeping in their cars, and trying to secure a spot in the local shelter. We also cannot easily see the long-term impact evictions have on families, such as on educational and health outcomes for children, and difficulties securing new jobs and places to live. We can, however, see the moment that their housing instability begins: when they are evicted.

The people who are evicted from their homes at our local courthouses are our neighbors. They are people just like us, whose housing has become too unaffordable. They are people who are struggling in the local economy, who are trying to earn a living wage, who are dealing with domestic violence, who are trying to support children, who don't have reliable transportation, who are dealing with many more challenges, and who need your support. When you court watch, you see your neighbors and you see their need.

"If you can get your heart a little bit broken by watching this happen, then you can help work to fix the problem."

– Evictions court watcher from the Meridian Street United Methodist Church
Housing Justice Task Force in Indianapolis, IN

"Hoosier families who rent their homes have long been at a huge disadvantage when they go to a court where the landlord has a lawyer and they don't, and the judge may seem more interested in moving cases along than making sure their rights are protected. But sunshine is the best disinfectant. That means the minute a watcher walks in the door of the courtroom, tenants immediately have a much better chance of being treated fairly."

– Fran Quigley, Clinical Professor at IU Robert H. McKinney School of Law;
Director of Health and Human Rights Clinic

The Evictions Crisis in Indiana¹



It is estimated there are 110,000 Hoosier households who are behind on rent and in danger of losing their homes (with 111,000 children in those homes). In addition, since the beginning of the pandemic in March 2020 there have been over 119,000 eviction filings, representing more 15% of all renter households in Indiana.

217,461 of Hoosier renter households are Extremely Low-Income (ELI) households. ELI households are defined as a very-low income family whose income is 30 percent of or below the area's median family income. In Indiana, there are currently 38 affordable and available units per 100 ELI households.

Even before the pandemic, Indiana had the highest eviction rate in the Midwest and twice the national rate.



¹ Sources: [Affordable Housing is Out of Reach and Getting More Expensive for Low-Wage Hoosiers](#), [Eviction Lab Eviction Tracking System](#), Data as of August 6, 2022, [nationalequityatlas.org](#) based on June 29-July 11, 2022 Census Household Pulse data, [Severe Shortage of Affordable Housing in Indiana Means Families with the Lowest Incomes Suffer Most](#), U.S. Department of Housing and Urban Development

Prior to the Court Session

Call the local small claims court to learn when eviction cases are heard, and double check on the morning of your visit. Identify who you are and the purpose of your call (see example below).

“Hello, my name is ___ and I’d like to observe eviction hearings to better understand the Indiana legal process for tenants.” *Remember: Eviction cases are a public hearing.*

Visit <https://www.in.gov/courts/files/court-directory.pdf> to find your local small claims court and call to confirm the necessary details you’ll need to know.

Visit <https://public.courts.in.gov/CourtCal/#/Home> to check the docket you plan to observe.

Visit <https://housing4hoosiers.org/> for up-to-date information on tenant rights and resources.

During the Court Session

Each case is called by the bailiff. Observe the presence/absence of an attorney for the tenant and for the landlord. Does the judge ask many questions? Is there a difference in proceedings if the tenant has an attorney? Was there any mention of rental assistance or tenant resources? Disclaimer: Every court does things differently, and procedures may vary. We understand that it can be difficult to discern what is unique to a local court and what is actually against the law.

Things You May Hear & What They Mean

Notice to Vacate	A formal notice by the landlord telling the tenant to vacate the property. In most situations, Indiana law says this should be delivered in writing to the tenant before the eviction court case is filed.
Eviction (“Possession”) Hearing	This is the day the court decides whether it will grant the landlord’s request to force the tenants out of the rental home. It is often scheduled very soon after the tenant first receives notice of the court case.
Writ	A court order giving the landlord the right to possession of the property by a certain date. If the tenant does not move out by that date, the landlord can seek constable assistance in forcibly moving out the tenant.
Damages Hearing	This is usually held several weeks after the eviction hearing, and is the day the court decides the “money issues,” including how much (if any) back rent the tenant owes the landlord, any reimbursement the tenant should get from the security deposit for poor conditions, or any additional costs like attorney’s fees or damages to the property the tenant owes.
Proceedings Supplemental Hearing	The hearing set after a money judgment is ordered, sometimes several years later. The judge will determine if they will allow steps for the landlord to collect a past judgment, such as a wage garnishment.

Special thanks to the Meridian Street United Methodist Church Housing Justice Task Force for their significant contributions to this informational page, and for inspiring this Court Watcher’s Toolkit.

Find Resources

www.Housing4Hoosiers.org is a renter resource program created to promote educational information about tenant/landlords rights and responsibilities in Indiana. The program's goal is to help Hoosiers count on safe and stable rental homes in their community.

General types of information on the site include Renting in Indiana: A Handbook for Tenants and Landlords, which outlines steps to take when finding, renting, and keeping rental housing. Additional information includes emergency rental assistance providers and legal assistance options available to tenants.



Hoosier Housing Needs Coalition

Tell Your Story

Court-watching shines a light on the eviction hearing for the observer. But to make systemic change to the process, we need to share the stories of those who have witnessed and experienced it. That's why we ask you to record the noteworthy aspects of the cases you watch, and most importantly to share your story. Your stories will help the Hoosier Housing Needs Coalition (HHNC) bring needed attention to the eviction crisis in Indiana and advocate for systemic solutions. HHNC convenes partners from across Indiana to conduct education, research, and advocacy to achieve federal, state, and local policies for equitable housing policy solutions.

If you are a court watcher or a participant in an eviction proceeding, please use the form below to record your experiences. In addition, please sign up at <https://housing4hoosiers.org/contact-us/> to receive advocacy updates and learn how to take additional action.

Thank you for bearing witness and using your voice to make a difference!

Eviction Hearing Note Sheet

This form is for your own personal note-taking. After leaving the eviction hearing(s) that you attend, please transfer your answers to our digital form at <https://housing4hoosiers.org/court-watchers-toolkit/> so that we may share your story in our advocacy efforts.

Can we share your full name with your story?

Yes, my full name may be used No, do not share my last name

First and Last Name (Example: John Doe)

Judge and Location of Court (Example: Indianapolis, IN 46204, Center Township)

I am...

A court watcher A hearing participant

Was there any notice and explanation of the eviction being filed?

Yes No Disputed Not mentioned

Are there any children living in the unit that this hearing is about?

Yes No Not mentioned

How long did the hearing take? Approximate time to the best of your ability.

5 minutes or less 15 minutes or less
 30 minutes or less 30+ minutes

How much does the tenant allegedly owe the landlord, and how late is it?

Was a judge present in the hearing/meeting that resulted in the eviction, if that was the result?

Yes No Not evicted in this hearing

Did the landlord appear at the hearing, or was it just their attorney?

Landlord appeared Attorney only

