

In the
Indiana Supreme Court

In the Matter of the Indiana Pre-Eviction
Diversion Program

Supreme Court Case No.
22S-MS-308



Order Amending Pre-Eviction Diversion Program

On October 22, 2021, this Court established the statewide pre-eviction diversion program, effective November 1, 2021. Even as resources have evolved over time, parties coming to Indiana's courts on eviction matters must still be referred to all available resources to help them achieve the best outcomes for their situation. To ensure parties can access all available resources, this Court now amends the pre-eviction diversion program as follows, effective September 19, 2022, and until further notice from this Court:

1. In any residential eviction action filed in any Indiana court, the court **shall**
 - a. advise the parties—at the first hearing or, in actions in progress prior to the effective date of this order, at the next hearing—of the availability of pre-eviction diversion resources,
 - b. ask the parties if they are interested in—or in the process of—pursuing any pre-eviction diversion program resources, and
 - c. document the giving of the advisement using the diversion advisement event in Odyssey.

Pre-eviction diversion program resources include, but are not limited to, the following:

- the availability of any state or local rental assistance programs or resources,
- the availability of legal assistance, including indianalegalhelp.org and any local legal assistance programs and resources,
- the availability of this Court's free Landlord and Tenant Settlement Conference Program or any free local equivalent program, and
- the availability of housing stability resources with the Indiana Community Action Association's provider network.

A model advisement for this purpose is attached to this order as **Exhibit A**.

2. If both parties agree to participate in any resource outlined above:

- a. The eviction proceeding **shall** be stayed for ninety days.
- b. The court **shall** provide the parties with a completed case management order, which **shall** include status conferences at thirty days and sixty days to monitor progress. Courts may hold status conferences in-person, remotely, or permit the filing of a written status report showing compliance with the program in lieu of a status hearing.
- c. The court may lift the stay early if it determines at a status conference, or following a motion filed by any party,
 - i. that a party is no longer actively following the case management order or participating in the pre-eviction diversion program in good faith; and
 - ii. in the interest of justice, the case should proceed.
- d. All court records related to the eviction **shall** be made confidential unless
 - i. the court determines at a status conference, or following a motion filed by any party,
 1. that a party is no longer actively following the case management order or participating in the pre-eviction diversion program in good faith; and
 2. in the interest of justice, the case should proceed; or
 - ii. the court finds, after a hearing, that one or both parties have violated a settlement agreement; or
 - iii. the procedures set forth in Rule 9 of the Rules on Access to Court Records are followed.
3. If the parties resolve their disputes through participation in the pre-eviction diversion program, the court can dismiss the case or the parties can file a diversion agreement, agreed entry, or agreed judgment.
4. Participation in this program does not bar the plaintiff from filing future claims against the defendant, including future eviction proceedings, for future events or acts forming an independent basis for the claim.
5. The Office of Judicial Administration and courts are authorized to provide otherwise confidential court records to rental assistance providers to facilitate the matching of parties to rental applications.

Done at Indianapolis, Indiana, on 9/2/2022.



Loretta H. Rush
Chief Justice of Indiana