



ALLEN SUPERIOR COURT

Allen County Courthouse
FORT WAYNE, INDIANA 46802

MEMORANDUM

DATE: October 10, 2022

TO: All Attorneys and Litigants

FROM: Allen Superior Court Civil Division Judges and Magistrates

RE: New Eviction Protocol

The Court would like to inform you of the following changes in protocol for Evictions effective November 1, 2022:

1. There is no longer a separate Claims Calendar and Trial Calendar for Eviction cases. All cases will proceed according to the same process and timeline.
2. All Eviction cases will be scheduled for an Initial Hearing, which will be conducted in person by the Small Claims Eviction Diversion Facilitator.
3. Defendants must be served with the Notice of Claim at least twenty (20) days prior to the scheduled Initial Hearing.
4. At the Initial Hearing, litigants may be entitled to dismissal, a Default Judgment, or an Agreed Judgment. Parties can also agree to participate in the Eviction Diversion Program. Otherwise, the case will be scheduled for Trial in front of a Magistrate.
5. Dismissals will be completed by the Facilitator, who will date and stamp the Magistrates signature on the Order. At the time of dismissal, the case will be sealed pursuant to I.C. 32-31-11.
6. Plaintiffs must submit all Default Judgment paperwork to the Facilitator for review. Upon approval, the Facilitator will date and stamp the Magistrates signature on the Order.
7. If both parties appear for the Initial Hearing, the Facilitator will discuss the Eviction Diversion Program. If the parties agree to enter into the Diversion Program, the

Facilitator will prepare an order, with Status Hearing dates, and stamp the Magistrates signature. If the parties decline to enter into the Diversion Program, the Facilitator will present the option of an Agreed Judgment or Trial.

8. All Agreed Judgments will be completed in the presence of the parties by the Facilitator, who will stamp the Magistrates signature on the Order. The parties will be directed to Scheduling to receive a Damages Hearing date.
9. If a Trial is requested at the Initial Hearing, the parties will be directed to Scheduling to receive their Order setting a trial date and time.
10. Additionally, a Plaintiff filing a motion to dismiss an Eviction case must include the following language in the proposed form of order:

The Clerk of the Court and Operator of the Indiana Case Management System shall not disclose or permit disclosure of any records in this case, including the Petition by the Landlord for possession of the rental unit. I.C. 32-31-11. Further, the Clerk of the Court shall redact or permanently seal the Court's records related to this eviction action. I.C. 32-31-11.

11. We believe that this new protocol will further our goals of transparency and efficiency through a standardized process for all parties. If you have any questions about this procedure please feel free to contact Allen County Small Claims Court.