

# **Indiana Legal Services, Inc**

Using the law to fight poverty, empower clients, and improve access to justice.

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## **Eviction Without a Court Order**

### **Can my landlord evict me without first going to court?**

No, your landlord usually cannot evict you without a court order. As long as you haven't abandoned your home, your landlord cannot change the locks, install a deadbolt, take off doors, or do anything to stop you from entering your home. (However, your landlord CAN do these things if he has a court order that says he can).

The only exception to this rule is if you have not paid or offered to pay your rent AND your home has been abandoned. If it looks like you don't live there anymore (for example, your things are gone and you have not been there for awhile), the home may be considered abandoned.

### **My landlord has sent me a letter telling me to move out within a week, but we have not gone to court. Do I need to move now?**

If there is no court order saying you have to move, then you do not have to move. You might want to call your local small claims court to make sure nothing has been filed in court. You should get notice if anything is filed in court, but sometimes the notice doesn't get to you.

### **What should I do if my landlord has threatened to evict me?**

You can try to talk to the landlord to see if you can work out any agreement. Make sure to get any agreement in writing.

If you can't work out an agreement, you can decide to move or wait to see if the landlord files an eviction case against you. If the landlord does file a case, you will need to go to court for the hearing and the judge will decide if you have to move or not. If the landlord does not file an eviction, you can continue to live in the home. Make sure you are following the terms of your lease so you don't give the landlord any reason to evict you.

### **What if my landlord has told me he is going to change the locks, but he hasn't done it yet?**

You should contact an attorney if your landlord is threatening to lock you out. If possible, you should try to keep someone in your home at all times. If the landlord then tries to change the locks, you can call the police. You may want to keep very important papers or other possessions

with you or at a friend or relative's home in case the landlord does change the locks. You should be able to get your items back from a landlord who has wrongfully locked you out, but that can take awhile.

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