

Eviction Diversion Considerations - Building A Holistic Referral Network

Eviction diversion programs use the court process to provide landlords and tenants with time, information, and resources to resolve their housing problems outside of the traditional litigation process. Successful diversion programs build strong relationships with diverse groups of referral partners to support landlords and tenants in resolving both the immediate legal crisis and any underlying issues. Use this guide to help your court identify prospective community partners and establish and maintain strong referral partnerships.

Identify Potential Referral Partners

Diversion programs should have a robust network of referral partners who offer holistic support to both landlords and tenants in a wide range of areas. Think expansively about the resources available in your community and how each prospective partner might support landlords and tenants in resolving both their legal and non-legal issues.

Service mapping can help you better understand and visualize the potential partners in your community and how they intersect with one another. Read the [National Legal of Cities Service Mapping for Eviction Prevention Networks](#) resource to learn more about service mapping.

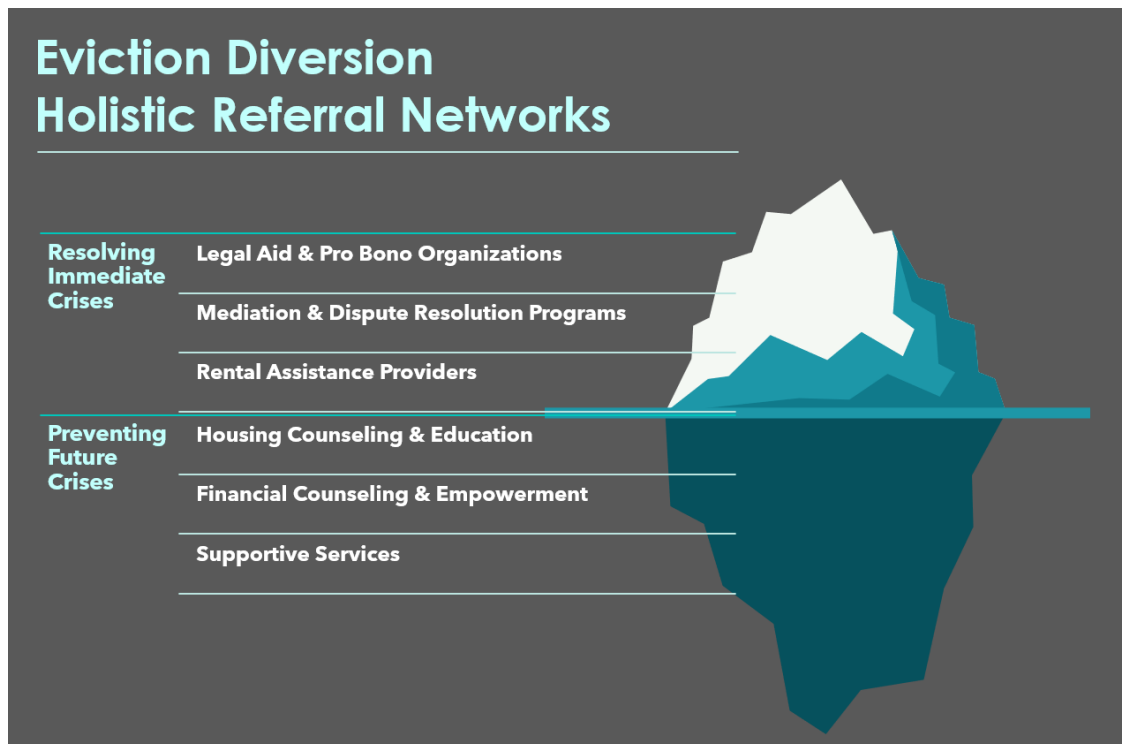
The following lists include common partners for eviction diversion programs.

Resolving the Immediate Legal Need

- Legal Services:** Legal aid & pro bono organizations, law school clinics and volunteer programs, bar associations & bar foundations
- Mediation Services:** Community mediation centers, court-based dispute resolution programs, online dispute resolution platforms
- Financial Assistance:** Rental assistance, cash assistance, utility assistance, mortgage foreclosure relief, and public benefits
- Court Services:** Court navigators, self-help centers, and law libraries

Addressing Underlying and Interrelated Needs

- ❑ **Housing Navigation:** Public housing authorities, rapid rehousing programs, [fair housing organizations](#), [Continuum of Care](#) networks, and programs serving specialized populations (e.g. veterans, seniors, people with disabilities)
- ❑ **Housing Counseling:** [HUD-certified counseling agencies](#)
- ❑ **Financial Counseling:** [Financial Empowerment Centers](#), budgeting assistance, credit counseling, and banking access
- ❑ **School Districts:** School programs and transportation assistance for students experiencing housing instability
- ❑ **Food Security:** Food pantries, school meal programs, [SNAP](#) benefits
- ❑ **Public Benefits:** Screening for federal, state, and local benefits programs
- ❑ **Supportive Services:** Domestic violence services, [NAMI](#) and other mental health resources, substance abuse treatment, job training and placement programs, and educational programs



Initiate Contact with Potential Referral Partners

Reach out to prospective partners in your community. Introduce your eviction diversion program and learn about their services. You may accomplish this through a series of individual meetings or by inviting the prospective partners to a joint stakeholder meeting. During these introductory conversations, explain the goals of your diversion program, how the program will work, and how the service provider can partner with your program.

Set Eligibility Criteria

If the prospective partner is open to receiving referrals from your diversion program, you will need to determine the criteria for making referrals. Without a shared understanding, your diversion program may refer litigants to programs for which they are not eligible. This wastes time and resources for the service provider and creates a negative experience for the litigant, who may face unnecessary delays and rejection. The criteria for making a referral should be written down and shared with all program partners.

- Recipients:** Are services available for landlords, tenants, or both?
- Eligibility:** Does the provider have any limits based on income, citizenship status, geographic area, or any other criteria?
- Prioritization:** How are applications prioritized when there are too many applicants who meet the eligibility criteria for services?

Assess Partner Capacity

Most service providers find that the need for their services far outstrips their capacity to provide services. To avoid overwhelming the partner, it's important to have ongoing conversations about their capacity. How many referrals can they accept or consider on a daily or weekly basis? How will they communicate with the diversion program if they need to reduce or temporarily suspend referrals?

Integrate Referrals into Court Processes

Work directly with each service provider to determine how the diversion program will make a referral to an outside service provider. The referral process may be different for each service provider based on the scope of their service, their availability, and their capacity. The partners should work together to eliminate as many barriers as possible to improve the referral experience for the applicant.

- **In-Court Referrals:** Court/program staff arrange for service providers to meet with litigants during their scheduled court dates. Services are provided immediately, either onsite at the courthouse or virtually.

Cook County, IL: By using Zoom breakout rooms during virtual court proceedings, the court refers litigants to legal aid attorneys, mediators, and rental assistance screeners during scheduled court dates.

Fort Wayne, IN: By sharing courthouse space with local legal and social service providers, court staff can refer litigants to onsite walk-in hours during scheduled court dates.

- **Warm Referrals:** Court/program staff contact service providers directly on behalf of litigants to facilitate referrals or to help schedule appointments. Services are provided at a later date and time, outside of the court setting.

Lansing, MI: The eviction diversion program includes a formal referral partnership with the local Office of Financial Empowerment. Court staff have access to the organization's calendar and schedule intake appointments directly for court patrons who need financial counseling services.

- **Cold Referrals:** Court/program staff provide contact information for a service provider, and the litigant is responsible for reaching out on their own and going through the service provider's regular intake process.

Washington, DC: The eviction diversion program includes tailored referrals from court navigators. After an intake call with a court patron, the navigators share a curated list of resources. The court patron is responsible for following up directly with the organizations that have been identified.

Create Referral Guidelines

Your diversion program should create opportunities for litigants to access services as early as possible in the eviction process. The earlier a litigant can access a service, the more likely it is to be successful in helping to resolve an issue.

Diversion programs may need to change their traditional case flow to build in time to screen and refer cases for services. This may include a mandatory waiting period before moving a case forward, adding a case management date, scheduling a pre-trial conference, or granting continuances liberally for parties referred into a diversion program. When thinking about the referral process for your diversion program, consider each of the following questions:

- **Screening:** Who will make the referrals to outside service providers? How will they screen litigants to ensure that they meet the necessary criteria for the referral? What information will be collected about each litigant and referral and where it will be stored?

- **Preparation:** How can court staff best prepare a litigant when referring them to an outside service provider? What does the intake process look like at the agency where the litigant is being referred? What information or instructions should be shared with litigant to best prepare them for the application process and to help manage expectations?
- **Timing:** How long does the service provider's intake and review process generally take? How long does it typically take for the litigant to receive a service once they are approved? Will there be enough time for the service provider to review the case and provide the intervention before the pending case moves forward? If the service provider needs more time, how can they communicate that to the court?
- **Accessibility:** If a litigant needs language assistance or a disability accommodation, how will this be communicated to the service provider?

Develop Written Referral Materials

Diversion programs need a way to share referral information with litigants so they can understand their immediate next steps including who to contact, how to contact them, and why they are contacting them. Whether using technology (Example: [The Maryland Justice Passport](#)), paper (Example: [The Chicago Bar Foundation's Court Resource Checklist](#)), or court forms (Example: [Las Vegas Justice Court's Order Referring Tenant to Eviction Diversion](#)) to share this information, all materials should be written in plain language and designed with the end user in mind. If the materials include information for multiple agencies, make sure to indicate to which one(s) the litigant is being referred. When possible, provide a name and direct contact information for an individual at the service provider.

Determine Information-Sharing Practices

Depending on the service to be provided, your diversion program may benefit from receiving an update after the referral is made. For example, the judge may want to know if a rental assistance application is pending or if a tenant has an upcoming appointment with a legal aid program. Discuss with each service provider what information can be shared and who will be responsible for providing that information to the court. Also discuss with each service provider what information the court can and should provide when making a referral.

Consider establishing data-sharing agreements with service providers to allow court staff and referral partners to share and receive information in real-time. For more information on state court data, read NCSC's [State Court Civil Justice Data Considerations for Federal and Local Partners](#).

Establish Ongoing Communications

Your diversion program and referral partners should establish a plan for regular, ongoing communications. This will help all the stakeholders to identify areas for improvement and to assess how well the referral protocols are working. Consider establishing a recurring meeting of all the referral partners or agreeing to check-in at a regular cadence. This will also create an opportunity for service providers to share any changes to their services, capacity, or eligibility criteria.

- Referral Updates:** Will the diversion program receive updates about referrals (e.g. how many referrals were received/accepted by each service provider)? Will the court share relevant information with the service providers (e.g. number of referrals, next scheduled court date)?
- Program Changes:** How will the service provider communicate with the diversion program about any changes to their services?
- Periodic Review:** Who will be responsible for reviewing referral information and procedures at regular intervals to ensure information remains accurate?
- Evaluation:** What are the metrics of success for each referral partnership? What data should be collected by each service provider and by the diversion program to evaluate success?

Visit ncsc.org/eviction for more information and resources from the NCSC Eviction Diversion Initiative.

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