

Are you 60 or over? If yes, free legal assistance is available. If you have a debt collection or other consumer problem, please call:

Consumer Law Project for Elders

1-800-296-1467

Call SLS for help if you are under 60.

Statewide
Legal Services
of Connecticut, Inc.

Statewide Legal Services
1-800-453-3320
860-344-0380

Search our website for help.



www.ctlawhelp.org

CONSUMER

LEGAL SERVICES

SELF-HELP SERIES

Small Claims Court

June 2018

We offer free legal help in many areas including:

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.



What is small claims court?

Small Claims Court has special rules that make representing yourself easier and the process faster. It makes civil (non-criminal) court available to the average person without a lawyer.

If you are being sued or thinking about suing someone in small claims court, read the Connecticut Judicial Branch's booklet: *How Small Claims Court Works*. You can get the booklet at most courthouses, all Court Service Centers, and online at <http://www.jud.ct.gov/Publications/CV045.pdf>.

Do I need a lawyer to sue someone in small claims court?

You can hire a lawyer, but you don't have to.



Who can I sue?

You can sue people and businesses. There are special rules for suing a business. Read Section 1 of the court's booklet, *How Small Claims Court Works*.

What can I sue someone for?

You can sue someone for up to \$5,000. Here are some reasons you might sue someone in small claims court:

- If someone damaged something you own or are responsible for, you can sue for the cost of fixing the damage.
- If you bought something that wasn't delivered and the store won't give your money back, you can sue the store for the purchase price.
- If someone borrowed something from you and didn't return it after you asked for it, you can sue for the value of the item.
- If your landlord doesn't return your security deposit after you moved, you can sue your landlord for the return of your security deposit.

If you're under 60, call us for help:



Statewide Legal Services
1-800-453-3320 or 860-344-0380

Search our website for help:



www.ctlawhelp.org

*If you are over 60, call the
Consumer Project for Elders at 1-800-296-1467.*

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

426 State Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders (CLPE)

Free legal assistance to seniors 60 and over throughout CT who have money/debt problems.

1-800-296-1467

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services of Connecticut.

The information in this booklet is based on laws in Connecticut as of 6/2018. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

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Counterclaim: When the defendant makes a legal claim against the plaintiff.

Defendant: The person or business that is being sued.

Writ and Notice of Suit: The form used to start a lawsuit. It is also referred to as the Complaint.

Docket Number: The number the court gives the lawsuit for identification and tracking purposes.

Execution: A court order to collect money awarded in court. The plaintiff can collect money from the defendant by taking money out of the defendant's pay (a wage execution), by putting a lien on the defendant's property (a property execution), or by taking money out of the defendant's bank account (a bank execution).

Filing, File: To give the lawsuit to the court.

Filing Fee: The cost of filing a lawsuit in Small Claims Court.

Hearing: When you go to court to argue your case.

Hearing Date: The date the court picks to hold a hearing.

Judgment: The Small Claims Court's final decision.

Plaintiff: The person who files the lawsuit.

Reopen a lawsuit: To ask the court to look at its decision again. The court will only do this in certain circumstances.

Served, Service, Serve: To give the lawsuit to the person or business you are suing.

Settle: When the plaintiff and the defendant resolve the lawsuit without having a hearing.

Special Defense: When the defendant explains how the plaintiff's claims are wrong.

If you gave your landlord your new address in writing and you didn't get a response after 30 days, you may be able to sue your landlord for up to **double** your security deposit. For more information, read the legal aid booklet, *Security Deposits and Rent Increases*.

You **cannot** sue someone in small claims court for

- anything other than money;
- any amount over \$5,000; or
- slander, libel, or harassment.



Is there a cost to start a case in small claims court?

There is a filing fee. If you can't afford the fee, ask someone at the Court Service Center about a fee waiver. See the legal aid booklet, *Can't Afford to Pay Court Fees? Ask for a Fee Waiver*.

What forms do I need to file a small claims court lawsuit?

Don't file or answer a small claims lawsuit until you read the court's booklet, *How Small Claims Court Works*. It is available at most courthouses and online on the court website. If you make a mistake filling out your paperwork, the clerk's office may return the papers to you for corrections, and you'll have to start the process all over again.

If you are filing a small claims lawsuit, you will need these forms:

- *Small Claims Writ and Notice of Suit* (#JD-CV-40)
- *Instructions to Defendant* (#JD-CV-121)
- *How to Serve a Small Claims Writ and Notice of Suit* (#JD-CV-122)
- *Statement of Service – (Delivery) Small Claims* (#JD-CV-123)
- If you have very low income, you can the court to let you skip paying court fees by filling out an *Application for Waiver of Fees* (#JD-CV-120).

You can get the forms at most courthouses or online at www.jud.ct.gov/webforms. If you need help filling out the forms, you can ask someone at a Court Service Center for help. The Court Service Center staff can give you legal information and help you fill out the forms.

What happens at the court hearing?

You and the other party will tell your story to a judge, a magistrate, or a Small Claims Commissioner. That person will decide who wins. Be sure to bring to court any papers or witnesses that are important to your case.

If I don't like the decision, can I appeal?

You can't appeal a small claims court decision, but you may be able to reopen a small claims court decision within four months. Talk to someone at a Court Service Center or call Statewide Legal Services for more information.

If I win, how do I get the money I'm owed?

You are responsible for collecting any money the other party owes you. If the defendant doesn't pay, you can go through the court to collect the money. Read the court's booklet, How Small Claims Court Works, Section 6.

How much time do I have to collect the money?

You have 10 years from the date of the judgment to collect the money.

I'm being sued in small claims court. What should I do?

Don't ignore the lawsuit. If you do nothing, the court could rule against you and the person who is suing you could take your income and assets. Read the Instructions to Defendant that came with the lawsuit and the court's booklet, How Small Claims Court Works, Section 2.

Can I offer to settle the lawsuit?

Settling means that you and the other party have come to an agreement without going to court. Either side can offer to settle at any time. To settle, the plaintiff must receive the money before the hearing date. If the money is not received, the hearing will be held.

What happens if I don't pay the judgment?

If you don't pay the judgment, the plaintiff can ask the court for an order called an execution to collect the money from you. Some types of income and assets are protected by law. The plaintiff has 10 years to collect the judgment. Read the court's booklet, How Small Claims Court Works, Section 6.

Some words you should know:

Answer: The defendant's written response to the lawsuit.

Answer Date: The day the defendant's response is due to the court.

Application for Waiver of Fees: A form that asks the court to let you file your lawsuit without paying the filing fee.

Clerk's Office: The place in the courthouse where you can find all the information about your lawsuit.