



SMALL CLAIMS COURT

WHAT IS SMALL CLAIMS COURT?

Small Claims Court was established to provide a simple, informal procedure for people to settle certain legal problems cheaply and quickly. In Small Claims Court, you can sue someone or be sued by someone, and you present your side of the case yourself. A lawyer cannot represent you. This court handles only fairly simple cases involving small amounts of money or property.

The purpose of this brochure is to help you decide whether or not you should use a Kansas Small Claims Court to solve a problem, and to help you understand how the court works. *Please remember that procedural rules vary somewhat from county to county in the state.*

Consumers should remember that even though they may win their case in Small Claims Court, the court cannot guarantee and is not responsible for collection. Appeals of Small Claims must be filed in District Court, which usually means hiring an attorney.

Also, the job of court personnel is to process cases. They cannot give you legal advice.

WHAT IS REQUIRED TO FILE A CASE IN SMALL CLAIMS COURT?

The following restrictions apply to small claims cases:

- > Claims must not be greater than \$4,000.00, exclusive of interest, costs and any damages for worthless checks which may be awarded under 1986 H.B. 2849.
- > Those who file must be over 18 years of age, or be represented by someone over 18. Any business or corporation may use small claims court. However, collection agencies may not use the court to collect for their clients.
- > A person cannot file more than 20 cases in Small Claims Court in one calendar year.
- > A filing fee of \$47.50 is required for claim of \$500.00 or less. A claim in the amount of \$500.01 to \$4,000.00 requires \$67.50.
- > To file a case, you must fill out a form (called a petition) showing your name and address, the name and address of the person being sued, the amount of money or property you are asking for, and why you are asking for it.
- > The person being sued must be able to be located so they can be legally served, or given, an official summons (or notice to appear) in court. It is **your** responsibility to furnish the address to the Clerk's office. A \$15.00 sheriff's service of process fee must be attached for the sheriff to serve and the check/money order made payable to the Sheriff's Office.

WHO CAN BE SUED IN SMALL CLAIMS COURT?

You may sue any person or business in Kansas that you believe owes you money or property. You may not sue the State or a local governmental unit in Small Claims Court.

HOW DO I FILE A CLAIM?

If your case meets the requirements noted above, you should file your claim by going to the Small Claims Division of the office of the Clerk of your District Court. You should have with you the required filing fee and the name and address of the person(s) you are suing.

You should also decide ahead of time the exact amount you want to recover, and be prepared to give a written explanation of your case.

You may then fill out the petition at the Clerk's office and file it, or you may take it home to complete and file later.

AFTER THE CLAIM IS FILED

Once you have filed your claim, a hearing date will be set for you. Then, a summons, along with a copy of your petition, will be served by the Sheriff's Department to the person being sued. A \$15.00 sheriff's service of process fee must be attached for the sheriff to serve and the check/money order made payable to the Sheriff's Office.

If the defendant in your case cannot be located, you should contact the court for a continuance to give you more time to find a good address for the defendant. It is your responsibility to contact the Clerk before each court date with a new address or whatever information you may have so the person(s) can be found.

If you settle the case before the hearing date, notify the court at once so that the case can be dismissed.

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