



Superior Court of the State of California County of Kings



Small Claims Packet

There is no fee for this packet.

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is called the [plaintiff](#). The person who is sued is called the [defendant](#). If you need further information on small claims go to <http://www.courts.ca.gov/1007.htm>.

How much money can I ask for in a small claims action?

- A natural person (including sole-proprietors) cannot ask for **more than \$10,000** in a small claims claim.
- You can file as many claims as you want for **up to \$2,500 each**. There is a limit of **two claims** in a calendar year that ask for **more than \$2,500**.

If you are a:	and the amount you are asking for:			Your court filing fee will be:
Natural person (this includes sole-proprietors)	\$ 0.00	to	\$ 1,500.00	\$ 30.00
	\$ 1,500.01	to	\$ 5,000.00	\$ 50.00
	\$ 5,000.01	to	\$ 10,000.00	\$ 75.00
Corporations, limited liability companies, limited partnerships or person "Doing Business As"	\$ 0.00	to	\$ 1,500.00	\$ 30.00
	\$ 1,500.01	to	\$ 5,000.00	\$ 50.00
<i>* Corporations and other entities (like, government entities, a business or a public entity) cannot ask for more than \$5,000.</i>				
If you have filed more than 12 claims in the past 12 months (for any claim amount).				\$ 100.00
Certified mail (optional method of service) A copy of the "Plaintiff's Claim and ORDER to go to Small Claims Court" shall be provided to the clerk with the fee.			\$ 10.00 per defendant	
Restrictions apply: ONLY the court can perform this type of service to a defendant. The court cannot send the claim by certified mail to a defendant with a P.O. Box address. A physical address must be provided on the claim. Please note this is NOT a valid service unless the defendant signs the certified mail receipt. It is your responsibility, as the plaintiff, to follow up with the court on the status of service. If the service is invalid, other arrangements of service shall be made.				

Step 1. Read the following forms before you complete your claim:

Form name and number:	Last revised on:
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- | | |
|--|----------|
| 1. <input type="checkbox"/> Information for the Plaintiff (SC100-INFO) | 07-01-15 |
| 2. <input type="checkbox"/> How to Serve a Business or a Public Entity (SC104C) | 01-01-07 |

Step 2. Complete your claim:

- | | |
|--|----------|
| 1. <input type="checkbox"/> Plaintiff's Claim and ORDER to go to Small Claims Court (SC100) | 07-01-15 |
|--|----------|
- If there is more than one plaintiff listed in the claim, *each plaintiff* must sign this claim.
 - You must copy all five pages of this form.

Staple the following form to the (SC100) if there are more than two plaintiffs or defendants to list:

- | | |
|--|----------|
| a. <input type="checkbox"/> Other Plaintiff's or Defendant's (SC100A) | 01-01-07 |
|--|----------|
- Each plaintiff MUST sign this form.

Staple the following form to the (SC100) if you are doing business under a fictitious name ("doing business as," or "dba").

- | | |
|---|----------|
| b. <input type="checkbox"/> Fictitious Business Name (SC103) | 01-01-06 |
|---|----------|
- Each plaintiff MUST sign this form.

- | | |
|--|----------|
| 2. <input type="checkbox"/> Authorization to Appear (SC109) | 01-01-07 |
|--|----------|
- If someone else is appearing for you in the case.
 - If the plaintiff is a company (business) and someone is appearing on behalf of the company.

Step 3. Have your forms reviewed.

You may seek the assistance of the law library or the court's self-help center to review your paperwork. They can make sure you filled it out properly before you move ahead with your case. The small claims advisor is located at the law library of the Government Center.

Law library address is: 1400 W. Lacey Blvd., building #4, Hanford, CA. Telephone # (559) 582-3211 ext. 4430.

Step 4. Copy your forms for filing with the court.

Make one set of copies of all your forms for yourself
Make two sets of copies for each party to be served.
The original is for the court.

If a form has writing on both sides:

- ✓ use two separate pages to copy the 2-sided form **or**
- ✓ copy the 2-sided form (as presented in the packet provided by the court)
- ✓ all 2-sided copies must be "tumbled" or they will be rejected.

How do I assemble and two-hole punch my forms?

- ✓ Each *form*, to be filed, that has multiple pages and/or attachments must be *stapled*.
- ✓ Each original form must be two-hole punched at the top.

Step 5. File your forms with the court clerk.

Turn in your forms (the originals AND copies) to the court clerk. If there are no obvious errors, the clerk will file your forms. The originals will be kept by the court and the copies will be returned to you.

You will have to pay a filing fee. If you cannot afford the fee, you can ask the clerk for a [fee waiver](#).

You may file at any of the following locations:

AVENAL	501 E. Kings Street, Avenal, CA 93204	(559) 386-5225
CORCORAN	1000 Chittenden Avenue, Corcoran, CA 93212	(559) 992-5193
HANFORD	1426 South Drive, Hanford, CA 93230	(559) 582-1010
Hours of Operation:		
Except for Court Closure days and Holidays		
Business Days:		Business Hours:
Monday – Thursday		8:00 a.m. to 4:00 p.m.
Friday		8:00 a.m. to 11:30 a.m.

Step 6. Have each defendant served.

Someone – **not you** – must personally give a copy of the claim to each defendant listed in your claim.

How is service performed?

There are 3 different ways to serve someone:

1. Personal Service
2. Substituted Service
3. Service by Certified Mail- performed ONLY by the Court Clerk

Who can serve the documents?

- The server must be 18 or older and not be involved in your case.
- The Sheriff's office of the county where the respondent resides.
- A process server. A list can be retrieved at the Clerk's office.

Step 7. File a proof of service for each defendant.

Form name and number:	Last revised on:
1. <input type="checkbox"/> What is Proof of Service? (SC104B)	01-01-11
2. <input type="checkbox"/> Proof of Service (SC104)	01-01-09
<i>The following form is stapled to the Proof of Service (SC104) if the documents were served by substitute service and a different person did the mailing:</i>	
a. <input type="checkbox"/> Proof of Mailing (Substituted Service) (SC104A)	01-01-06

Step 8. Be Prepared for Your Trial

1. Plan what you are going to say

You will have to explain to the judge why you are filing a claim and what you want him or her to order. Decide what your main points are and take proof. Try to think of what the other person might say and how you will answer. You can also talk to a [small claims advisor](#) or a lawyer before court.

2. Prepare the proof to take to court

Take any papers that support your story and take 2 more copies of everything. This is called "evidence." Evidence can be:

- Contracts
- Estimates (take at least 2)
- Bills
- Photographs
- Diagrams that show how an accident happened
- Police reports

If you need papers that someone else has, fill out a *Small Claims Subpoena for Personal Appearance and Production of Documents at Trial or Hearing and Declaration* ([Form SC-107](#)) and request these documents.

3. Take copies of all your court papers.

4. Take people to support your story (witnesses)

Take witnesses who saw what happened or who are experts on that subject. For example, a neighbor who saw the accident or a mechanic who looked at your car.

- Do not bring people unless you know they will support you. Witnesses who are not friends or relatives may be more effective in proving your case. But sometimes the only witnesses are your friends and relatives. They should testify and present themselves in a professional manner and be objective and not emotional.
- If you need a witness to go to your hearing that cannot or will not go voluntarily, fill out a *Small Claims Subpoena* ([Form SC-107](#)) to order them to go. [Learn more about subpoenas.](#)

5. If you do not speak English well, take an interpreter to help you

Take your own interpreter to your court hearing. Do not ask a child or a witness to interpret for you. Get [tips to help you work with a court interpreter.](#)

6. If you are deaf, hard-of-hearing, or have another disability request an accommodation

Ask your court's ADA coordinator or court clerk at least 1 week before your hearing.

Step 9. After the Trial.

Assistance can also be found online at the self-help center at:

[Plaintiff's Post-Trial Checklist](#)

[Defendant's Post-Trial Checklist](#)

Once a judgment is issued in your case:

- 1) Once a judgment is rendered, the court will mail a notice of that judgment to all parties.
 - As the plaintiff, you **can't appeal** the judge's decision on your claim. Only the person or business you sued can appeal the decision. The appeal period of the court's decision extends for thirty (30) days (this is 30 days from the date the Notice of Entry of Judgment is mailed). The judgment will become final after the 30-day appeal period, if an appeal is **not** filed.
- 2) You can [appeal](#) if the other person or business sued you (called "countersuing") and you lost.
- 3) If your matter was taken under submission by the temporary judge or judge hearing your case, you will be notified of his or her decision by mail. The court can take up to ninety (90) days to issue a ruling when a case is taken under advisement. Please do not call the court.

Step 10. Enforce your Judgment.

The small claims advisor can assist you with this step. The advisor is located at the law library of the Government Center.

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Telephone number: (559) 582-3211 ext. 4430.

Assistance can also be found online at the self-help center at:

<http://www.courts.ca.gov/1256.htm>

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