

YOUR ROADMAP to



Small Claims Cases

in SEDGWICK COUNTY KANSAS

Step 1: Filing



Step 1: Filing

All Small Claims cases start at the Clerk of the District Court's office by filing:

- Civil Information Sheet
- Request for Service
- Petition
- Summons
- Defendants Claim
- Filing Fee
- Service Fee (for sheriff service - see step 2)



File in the Small Claims office at the Sedgwick County Courthouse between 8:00 and 4:00 pm in person. You may also file by mail, fax or the labeled drop box located on Main Street directly in front of the Sedgwick County Courthouse.

Filing fees:

\$49.50 for recovery up to \$500.00
\$69.50 for recovery of \$500.01 up to \$4000.00

Payment method:

The court accepts cash for in person filing of your paperwork. You can also pay by check, money order or credit card payment. The court accepts Visa, MasterCard or Discover. There is a 4% convenience fee to use a credit card for payment. When filing by fax, a credit card authorization form is required with signature to process your payment.

Step 2: Service



Once you file your case with the Clerk of the District Court a case number and bench trial date will be assigned.

Plaintiff (filer) is responsible for providing a name and address for the defendant(s) to serve a summons in one of the following ways:

- Sheriff
- Special Process Server
- Certified mail by filer

There is a \$15.00 fee for the Sedgwick County Sheriff to perform service. For out of state service, plaintiff is responsible for contacting out of state county sheriff for service fee as well as mailing address. The packet and fee is mailed to out of state county sheriff office for service.

A process server is someone selected by the plaintiff and the fee for service paid directly to the process server you hire. The court is not involved in this process.

If the plaintiff chooses certified mail service, it is the responsibility of the plaintiff to file with the Clerk of the District Court the green card return from the post office.

A return of service is required to proceed.

If the defendant could not be located or served, you may file an alias summons and your court date continued.

If plaintiff knows there is a need for an interpreter, let the clerk know at the time of filing and we will schedule an interpreter for the hearing.



Step 2: Service



Step 3: Hearing



Step 4: Judgment



Step 5: Collection

Step 3: Hearing



Small Claims Bench Trials are heard by a judge, no jury. You should appear on time prepared with any evidence, materials, documents, and witnesses to present your case to the judge.

If plaintiff fails to appear this could result in a dismissal in your case. If the defendant filed a counterclaim against the plaintiff and plaintiff fails to appear, this could result in judgment in favor of defendant.

If the defendant fails to appear this may result in judgment by default in favor of the plaintiff.

If both parties appear, you may go before the Judge to decide the outcome of your case. The plaintiff and the defendant will each have their opportunity to present their case to the Judge for a decision. The Judge may rule same day or continue your case to another date.

The judge could refer your case to mediation.

Step 4: Judgment



Once Judge hears both sides and renders a decision this concludes the small claims procedure.

If the losing party is not satisfied with the decision by the judge, an appeal may be filed within 14 days. This involves additional legal procedures on your part as well as an additional docket fee.

If the losing party has not filed an appeal within 14 days and has not made payment in full, the winning party is responsible for collection efforts.

Step 5: Collection



The Judgment Creditor is the party who wins the case. The Judgment Debtor is the party who loses the case. The Clerk of the District Court will provide the judgment creditor with a form entitled Judgment Debtors Statement of Assets. The form can be used to aid in the collection of the judgment.

Send a copy of the journal entry of judgment and the blank Judgment Debtors Statement of Assets to the judgment debtor using the US Postal Certificate of Mailing form (PS Form 3817).

The Original postmarked Certificate of Mailing form must be filed with the Clerk of the District Court.

The debtor then has 30 days to either pay the judgment or complete the statement of assets form. This form will provide you with enough information to proceed with garnishments or executions to collect the awarded judgment.

There are additional fees associated with filing paperwork for the collection process.

Once the judgment creditor has collected the awarded judgment, creditor should file a satisfaction of judgment with the Clerk of the District Court. Failing to do so may result in additional litigation by the debtor against the creditor.

You may hire an attorney to assist with any post judgment filings. The clerk staff are not qualified to provide any legal assistance with your case.

Glossary of Terms:

Plaintiff- The person who files a court action, the claimant.

Defendant – The party being sued.

Petition – The document that sets out the cause of action and the amount of money or property being sought by the plaintiff.

Counterclaim – A pleading in which the defendant in a civil action asserts a claim for relief against the person who originally brought the action.

Summons – A document that notifies a defendant that a lawsuit has been filed against them.

Subpoena – An order of the court issued by the Clerk of the District Court commanding a person to appear in court as a witness.

Service – Delivery of a notice of some type by a sheriff or any officer of the court and by the method prescribed by law.

Judgment – The decision of the judge in a particular case.

Garnishment – A procedure by which any debt or salary owed by a judgment debtor is seized and placed under control to be delivered to the judgment creditor.

Execution – A court document directing the sheriff to seize any nonexempt property of a judgment debtor and cause said property to be sold in satisfaction of a judgment.

Appeal – a legal proceeding by which a party seeks a higher court review of the action taken by the lower court.

Small Claims Department
Sedgwick County Courthouse
525 N Main 11th Floor
Wichita KS 67203
(316) 660-5690 (phone) (316) 941-5359 (fax)

Forms for small claims can be found at the
18th Judicial District's Website
www.dc18.org/small-claims