



# ALL ABOUT SMALL CLAIMS COURT



Small claims court is a simplified court where individuals can represent themselves when pursuing a claim against another person or business. It was designed to make justice more accessible by providing an informal process to resolve minor disputes quickly and affordably.

Understanding how small claims court works can help you decide whether it is the right court to hear your case. Please remember that procedures vary by county. Always check with your local court clerk's office to be sure you have all the information you need.

The Kansas Judicial Council provides forms and detailed instructions for small claims cases. <https://www.kjc.ks.gov/legal-forms/small-claims>



## The Basics

Small claims court is designed for straightforward cases involving the recovery of property or money valued at \$10,000 or less. If your claim exceeds \$10,000, it becomes more complex, and you may want to consult an attorney.

## No Attorney, No Jury

Small claims courts are designed to allow people to represent themselves. You cannot be represented by an attorney unless the other party is a licensed attorney or was previously a licensed attorney but is no longer licensed to practice law. There are no juries. Instead, the Judge hears the case and makes a decision.

## Corporate Involvement

The Small Claims Act allows businesses to have their cases heard in court too. Businesses must use non-lawyer representatives in court, not attorneys.

## Filing a Claim

Start by filling out a Small Claims Petition and the other forms needed to start your case. The Kansas Judicial Council has online forms and instructions to help you. You should know the exact amount you want to recover and be prepared to give a written explanation of your case. When you are ready to file, do the following:

- ❖ Submit your forms to the court clerk's office.
- ❖ Pay the filing fee. The fee is based on the total judgment you are seeking. If you cannot afford to pay the filing fee, you can file a Poverty Affidavit to request a waiver of the fee.
  - For a claim of \$500 or less, the fee is \$49.50.
  - For a claim of \$500.01 to \$10,000, the fee is \$69.50.
- ❖ Choose a method of service. The person being sued must be served with a copy of the Petition and a Summons. For service by a sheriff in Kansas, the fee is \$15.00.

## After the Claim is Filed

Once your claim is filed, you will be given a hearing date. Before your day in court, do the following:

- ❖ Confirm service. Contact the clerk to confirm the other party has been served. If not, you may need to ask for a continuance.
- ❖ Consider settlement. You can attempt to settle your claim before your hearing date. If your case settles, let the court know in writing. If not, you must attend the scheduled court hearing.

## What if You are Sued in Small Claims Court?

If someone files a claim against you, you will be served with a Summons and a copy of the Petition. The Summons explains when to appear in court to defend yourself. If you have a claim against the other party about the same matter, you can file a counterclaim by filling out the Defendant's Claim form and filing it with the court clerk. The Kansas Judicial Council has online forms and instructions to help you. You should know the exact amount you want to recover and be prepared to give a written explanation of your case.

### Preparing for Court

Prepare for your day in court by doing the following:

- ❖ Gather and prepare your evidence. Print any evidence in digital format (e.g. photographs) and make multiple copies of each exhibit.
- ❖ Prepare your testimony. Think about what you want to say and write down what you want to ask witnesses.
- ❖ Plan to wear appropriate clothing. The courthouse is a formal, professional setting.
- ❖ Check the location of your hearing in advance.

### Your Day in Court

Arrive on time for your hearing. Bring your evidence and witness questions and be prepared to explain your claim or counterclaim. Both parties will have the chance to ask questions and cross-examine witnesses. After all evidence is presented, the judge will make a decision which may include a judgment for one party or the other. If either party was properly served and does not show up for the hearing, the judge may declare the absent party in default and award judgment to the other party.

### Civility & Manners

Forget what you see on television about how courtrooms operate. Kansas small claims courts are not televised. Being rude, argumentative, or belligerent to another person may make for good television, but it will not help your case in small claims court. Tell your side of the story respectfully, truthfully, and politely.

### Appealing a Small Claims Decision

Either party has the right to appeal the Court's judgment. Appeals must be filed within fourteen days after entry of judgment by filing a Notice of Appeal. The Kansas Judicial Council has forms to help you. An additional filing fee may be required to file your appeal. At this stage, you may consult with or hire an attorney.

### Collecting Your Money or Property

Winning your case in small claims court does not guarantee you will collect your money. If no appeal is filed, the case is concluded, and the creditor may begin the process of collecting the judgment. A creditor may file a Judgment Debtor's Statement of Assets form. This form assists the creditor in collecting information from the debtor about their assets and ability to pay the debt. The creditor may also pursue a garnishment of the debtor's wages or bank accounts. The collection process can take time and require additional legal pleadings and multiple court appearances. You may want to consult an attorney for advice or representation on collecting a judgment.

### Additional Resources

#### Lawyer Referral Service

The Kansas Bar Association (KBA) provides referrals to attorneys in your community. [ksbar.org/lawyer](https://ksbar.org/lawyer)

#### Kansas Legal Services

A non-profit law firm serving low to moderate-income Kansans. [kansaslegalservices.org](https://kansaslegalservices.org) or 316-267-3975.

#### Kansas Free Legal Answers

A virtual legal advice clinic in which attorneys answer questions posed by users. [kansas.freelegalanswers.org](https://kansas.freelegalanswers.org)

This pamphlet is provided by the Kansas Bar Association Access to Justice Committee as an informational resource to help individuals better understand the small claims court process in Kansas. It is intended for general guidance only and does not constitute legal advice. Every legal situation is unique. You should consult a licensed attorney for advice regarding your specific circumstances. Use of this pamphlet does not create an attorney-client relationship.