

How Small Claims Court Works



State of Connecticut Judicial Branch Superior Court
www.jud.ct.gov



PLEASE READ

This booklet is provided by the Connecticut Judicial Branch as a public service. It is based on the rules and laws at the time of its publication. It does not take the place of legal advice from a Connecticut attorney.

Court employees may answer Small Claims Court questions, but they cannot act as your attorney or give you legal advice. You are responsible for your actions. The Judicial Branch is not responsible for anything that is wrong or missing in this booklet. If you need more assistance, you should contact an attorney or read the sections of the Connecticut General Statutes and the Connecticut Practice Book covering Small Claims.

This booklet may help people involved in small claims actions. Court employees may answer general questions about the small claims process. Forms are available online at www.jud.ct.gov, at clerk's offices or at court service centers.

TABLE OF CONTENTS

Introduction (answers to basic questions).....2

Section 1 – Plaintiff’s Case (person who starts the case)4

Section 2 – Defendant’s Case (person who is sued).....8

Section 3 – Transfer of Cases to the Regular Docket of the
Superior Court 10

Section 4 – What To Do While You are Waiting for Trial..... 10

Section 5 – The Trial Process 12

Section 6 – Collecting the Judgment 13

Section 7 – To determine where to file your small claims case..... 16

Section 8 – Small Claims Area Locations and Telephone
Numbers 17

Section 9 – Fees Payable to the Clerk in Small Claims Cases 19

Section 10 – Forms 19

INTRODUCTION

What is “Small Claims Court”?

- The “Small Claims Court” is a part of Connecticut’s court system where a person may sue for up to \$5,000.00 in **money damages only**, or in the case of a home improvement contract, up to \$15,000.00 in **money damages only**. This amount is set by state law and may change from time to time. To learn the current amount, you may contact any court clerk’s office. Contact information for clerk’s offices is in Sections 7 through 9 of this booklet.
- There are two ways the court may award you money in addition to your damages. (1) You may be awarded fees and costs. (2) You may be awarded double damages if you are suing for the return of a security deposit held by your landlord. For more information on how to request fees and costs or double damages in a security deposit case, review the *Small Claims Writ and Notice of Suit* (form JD-CV-40).
- Small Claims Court is conducted by remote hearings over the internet. You do not physically come to court unless instructed by the court.
- The Small Claims Court does not hear libel and slander cases.
- Most small claims cases are heard and ruled on by magistrates.
- Small claims cases are not recorded, so there is no transcript of the proceedings.
- Information about specific small claims cases can be found at: <https://jud.ct.gov/jud2.htm>. Case lookup may be done by searching party name, docket number, court calendar, attorney case list, attorney calendar, and attorney search.
- Losing your small claims case may affect your credit score. Small claims judgments are public information and may show up on your credit report. The laws that control Consumer Credit Reports begin in Section 36a-695 of the Connecticut General Statutes.

- Complaints about Consumer Credit Reporting Agencies are filed with the Connecticut Banking Department, Consumer Credit Division, 260 Constitution Plaza, Hartford, CT 06103-1800.
- Small claims judgments cannot be appealed.

NOTE: You have limited time to start your case. If you wait too long, you may lose. See Sections 52-573 through 52-598a of the Connecticut General Statutes for more information.

How is the Small Claims Court different from other court proceedings?

Small Claims Court has simpler rules than regular court. Its forms are designed to be understood without the help of an attorney.

You may file a small claims lawsuit against a person who lives out of state only if that person owns property in the state of Connecticut. You may also file a small claims lawsuit against out-of-state business organizations.

Do I need to hire an attorney?

No. Although attorneys may represent you in small claims court, the process is designed for non-attorneys.

Individuals may represent themselves. Also, certain members of a business may represent the business, even if they are not attorneys. See Section 24-6 of the Connecticut Practice Book for more information.

The clerk's office cannot give legal advice.

Section 1

THE PLAINTIFF'S CASE

(person who starts the case)

How do I start a small claims case (lawsuit)?

The plaintiff must serve (deliver by an appropriate method) the lawsuit to each defendant by 1 of the following 4 ways:

- priority mail with delivery confirmation;
- certified mail with return receipt requested;
- a nationally recognized courier service, with delivery confirmation; or
- service by a proper officer (for example, a state marshal).

Service by a proper officer is required when the defendant is an out-of-state business (a business organized under the laws of a state other than Connecticut). There are also special service (delivery) requirements when the plaintiff sues an out-of-state insurance company. See *How to Serve (Deliver to Defendant) a Small Claims Writ and Notice of Suit* (Form [JD-CV-122](#)). The plaintiff pays the cost of service but may get that money back if they win their case.

The statute of limitations is a time limit on how long a plaintiff has to start a case (see sections 52-573 through 52-598a of the Connecticut General Statutes).

Plaintiffs must also explain how they know the address given for each defendant is accurate.

The following documents must be completed first.

1. Complete the *Small Claims Writ and Notice of Suit* (Form [JD-CV-40](#)) form. The form should be typed or printed neatly. The clerk's office may not accept your case if it is unreadable. Only the exact, correct, legal names may be used. If you make a mistake or leave anything out, then you may not win your case. Do not use initials, nicknames, or abbreviations.

2. If your claim is against a business, you must determine if that business is a DBA (person “doing business as” a company, also known as a “trade name”) or a business organization. A business organization includes a sole proprietorship, partnership, corporation, limited liability company, association, firm, or other form of business incorporated under the laws of this state. It may be helpful to contact the Secretary of State, Commercial Recording Corporation Information, 165 Capitol Avenue, Hartford, CT 06106 at (860) 509-6200, or go the Secretary of State’s website at: <http://portal.ct.gov/sots>, or the town clerk where the party is doing business.

If the business is outside of Connecticut, the *Small Claims Writ and Notice of Suit* must be served by a proper officer. If the claim is against an in-state business, you may serve it using any of the 4 methods listed above.

3. Attach copies of documents supporting your case to the Small Claims Writ and Notice of Suit, such as, leases, statements, invoices, and bills. Keep the originals.

4. Your signature **must** be notarized. You must sign the claim in front of the notary.

5. Persons/entities being sued must be served with copies of the completed original Small Claims Writ and Notice of Suit, the *Instructions to Defendant (Notice to Person Being Sued)* (form JD-CV-121) and copies of all documents attached to the Small Claims Writ and Notice of Suit **before** filing it with the court. After service is completed, file with the court the **original** papers, and a *Statement of Service* (form JD-CV-123) for each defendant. **Keep a copy of all papers.**

You must pay the entry fee when you file your case. The entry fee may be added to the amount of your judgment against the defendant.

What happens after I file (start) the case?

After you file your case, the clerk's office will assign a date by which the defendant must answer your claim. This is the “**answer date.**” The clerk will mail the number assigned to the case called a docket number and the answer date to all the plaintiffs. The clerk will send an answer form and the answer date to each defendant.

Do not come to court on the answer date.

Where do I file the Small Claims Case?

Small Claims cases may be mailed or hand delivered or e-filed to the proper court. See Sections 7 or 8 of this booklet. For landlord-tenant matters, see Section 8 of this booklet.

Reminder: You cannot sue a person in Small Claims Court if that person does not live in Connecticut, unless that person owns property in Connecticut. You must write in the *Small Claims Writ and Notice of Suit* that the person you are suing owns property in Connecticut.

What happens if the defendant files an answer?

1. Each defendant must send a copy of their answer to the plaintiff or their attorney.
 - If a defendant denies the claim, a remote trial will be scheduled.
 - If a defendant admits the claim is true and offers to pay you a certain amount of money for a certain period of time, you may agree to the defendant's offer of payment. The case will be given to a magistrate who will review the case and may make the agreement a judgment.
 - If the defendant admits the claim but needs time to pay, they may state that in the answer, and suggest an arrangement. The court may require that a remote hearing be held.
 - If you do not agree to any part of the defendant's offer, remote trial may be scheduled.

2. If the defendant files an answer **and** a counterclaim, the clerk's office will send you a counterclaim/setoff notice to the counterclaim. A counterclaim is lawsuit by the defendant against the plaintiff within the same small claims case. You should send the completed form back to the clerk's office **on or before** the counterclaim answer date.

You also have the option to file a motion to transfer the case to the regular docket of the Superior Court. **(See page 10 for more details on the transfer of cases to the regular docket.)**

What happens if the defendant does not file an answer?

You cannot win a judgment against a defendant who has not answered unless you file an affidavit with the court stating facts showing the defendant is not in the military or naval service. You may visit at the Defense Manpower Data Center. If you have the first and last name of the person and either the person's date of birth, or the person's social security number, visit <https://scra.dmdc.osd.mil>. The statement provided by the website must be attached to an affidavit stating that the defendant is not in the military or naval service. You may also contact the Defense Manpower Data Center at 1-800-538-9552.

If you cannot determine if the person is in the military, you must describe your efforts to the court.

If you do not know the defendant's date of birth and social security number, you may ask a person who knows the defendant to complete an affidavit.

Also, you may name the defendant's full time employer in an affidavit.

If you cannot determine if the person is in the military, you may not be able to get a judgment.

Based on the kind of case you have, if the defendant does not file an answer the court may enter a judgment against the defendant (called a “default judgment”) for the full amount of your claim plus costs, or the court may schedule the matter for a remote trial to decide how much is owed to you.

The clerk’s office will notify you of your remote hearing date. Read the notice carefully. It will have important information about how to participate in the remote hearing.

If the defendant pays you all the money you claim is owed before the court enters judgment, you should withdraw the case.

You can file the completed Withdrawal form to the court where your case is pending. Include the docket number, the answer date or remote hearing date, and the names of the parties. Complete the certification at the bottom of the Withdrawal form and send a copy of it to the defendant.

Section 2

THE DEFENDANT’S CASE

(person being sued)

How do I answer the claim?

INFORMATION ABOUT THE ANSWER FORM

1. Do I have to come to court on the Answer Date?

You do not need to come to court on the Answer Date unless you are coming to court to return the answer form.

2. How do I file an Answer?

You may file an Answer to dispute claims made by the plaintiff (person who is suing you) in the complaint or to ask for more time to pay a debt. You must return a completed Answer form to the court on or before the Answer Date.

If you represent yourself, you may file the completed answer to the court by mail, fax, or hand delivery. You may also file your answer electronically if you signed up for E-Services on the Judicial Branch

website, and you request electronic access to your case, was approved by the clerk. If you are an attorney, you generally must file the answer form electronically. After you have filed an answer, the clerk will schedule a remote hearing (trial) and send you a notice by mail of the date and time.

3. What happens if I do not file an Answer?

If you do not file an Answer by the Answer Date, you may lose. This means that the court may decide the case for the plaintiff without hearing your side.

If a judgment is entered against you, you must pay the Plaintiff the amount ordered by the court. If you do not pay the amount of the judgment, the Plaintiff may try to collect the money by getting permission from the court to have the money taken from your wages, financial accounts, or property.

4. What if I want to sue the person who is suing me?

If you believe that the plaintiff owes you money, you may file a Counterclaim. The fee for a Counterclaim is \$95. The fee must be paid to the court when you file.

If you represent yourself, you may return the completed counterclaim to the court by mail, hand delivery, or through E-Services (see above). If you file electronically, you must pay the fee through the web page. Do not fax any answer that contains a counterclaim.

5. How will I know the date of my hearing?

The court will send you notice by mail of the time and date of hearings.

6. What if I want this case moved from small claims to the regular civil docket?

You may file a motion to have the case moved from the small claims docket and placed on the regular civil docket. There is a statutory fee to file this motion.

Section 3

TRANSFER OF CASES TO THE REGULAR DOCKET

A case filed in Small Claims Court may be transferred to the regular docket of the Superior Court or to the regular docket of the Housing Court.

The party wanting the case transferred must file a motion to transfer the case to the regular docket **on or before the answer date**.

The motion to transfer may be filed when (1) a counterclaim asks for more than the statutory limit, (2) an affidavit stating that a clearly described defense exists to the claim, **or** (3) an affidavit stating that the case has been correctly claimed for trial by jury.

The party filing the motion to transfer the case to the regular docket must pay all required fees at the time the motion to transfer is filed, including any jury fees if appropriate. Contact the clerk's office for fee amounts, or see "Fees" on the Judicial Branch website at www.jud.ct.gov.

Section 4

WHILE YOU ARE WAITING FOR YOUR REMOTE HEARING

Prepare your documents.

It is helpful to organize the document important to your case. These may include invoices, letters, statements of account, estimates of damage, paid bills, leases, canceled checks, and any other records. Be sure to submit any evidence you want the court to consider when deciding your case. You must file this evidence with the court before your remote trial.

Identify your witnesses and determine they are willing to testify at your remote trial, or if they must be ordered to do so.

If a person knows important details that may help your case, you should consider asking that person to testify at your remote trial. If that person refuses, you may ask the court to order that person to testify.

To ask the court to order a person to testify, you must submit a subpoena (form JD-CL-43). The clerk will review your completed subpoena. A subpoena may not always work. For instance, it may not be possible to make an out-of-state witness testify. You must have the subpoena served by a proper officer at least 18 hours before the hearing date. The officer will charge you for this service.

If you are not comfortable with English, you may request an interpreter to be with you at the hearing. To do this you should contact the clerks office as soon as possible.

Americans with Disabilities Act (ADA)

If you need an accommodation because of a disability, you should contact the clerk's office as soon as possible. For more information on how to request and accommodation and who to contact, please visit jud.ct.gov/ADA or contact the clerk's office where your case will be heard.

Changing your trial date

If you cannot attend your scheduled remote hearing, you should contact the other party or that party's attorney to ask if they agree to change the date. This is called "Asking for a continuance."

To ask the court for a continuance, file a completed Motion for Continuance (form JD-CV-21). You must send copies of your completed motion to all the parties in the case.

Section 5

WHAT HAPPENS ON YOUR COURT DATE

1. Small claims matters are heard remotely. You do not need to come to court for your trial or hearing; you can participate by computer, phone, or by using a remote room in your local courthouse. Contact the clerk for more information about remote rooms and phone participation.
2. Your case may have a settlement conference with a mediation specialist who will help the parties try to reach an agreement, or settlement.
3. Evidence should be submitted before the court date, either electronically or to the clerk. Make sure that you keep copies of all your evidence. Decide how you will participate remotely, and that you have the equipment and information needed to participate, such as a telephone or computer with internet access. The Judicial Branch has created a Quick Reference Guide for Remote Proceedings to help parties prepare for remote court events held by video conference or phone.

How long will the remote hearing last and when will I know the court's decision?

This depends on many things. Every effort is made for hearings to stay within their scheduled block of time.

Unless the court tells you the decision at your trial, the decision will be in writing and mailed to the parties. The magistrate has 45 days to make a decision.

Can I appeal if I lose the case?

No. You may not appeal any judgment in Small Claims Court.

Consider transferring your case to the regular docket if you want to keep your right to appeal.

What if a default judgment enters against me or if I find new evidence after the trial?

If a default judgment enters against you, you may file a Motion to Open (form [JD-CV-51](#)). There is a fee for filing this motion. The form is available at the clerk's office, the court service center, or on the judicial branch website at www.jud.ct.gov. You generally have 4 months from the date of judgment to file a motion to open.

Section 6

COLLECTING THE JUDGMENT

(How to get the money you are owed if you win the case)

A judgment in small claims is valid for 10 years.

The court cannot collect the money for you.

When a person loses the case, the court may order that person to make payments to the party who won the case. The court will send out a notice detailing this information.

If a judgment is made against a business or a landlord, the court will enter judgment for the full amount. No order of periodic payments will be made.

What if the person who lost cannot make the periodic payment ordered by the court?

If the losing party (sometimes called the judgment debtor) cannot make the periodic payments, that person may ask the court to reduce the amount of those payments. That party may first be required to prove their financial situation.

How do I collect my money if the person who lost does not pay?

If the losing party does not pay, the party who won may get an **execution** to attach wages, personal property, or bank accounts. There is a fee to get an execution. The court must also have ordered periodic payments on the judgment before you can get a wage execution. If there is no order for periodic payments, you may file a motion for an order for periodic payments. If the judgment debtor does not make the periodic payments that were ordered, you may ask for a wage execution.

No execution will be issued if the court has issued a stay of execution. No wage execution will be issued if the judgment debtor is making periodic payments required by the court.

1. **A wage execution** can be issued against a person who has a job and is not self-employed. You must find out where the person works. The court cannot find this out for you.
2. **A property execution** attaches the personal property, not real property (such as real estate). You must determine where the property is. The court cannot find this out for you.
3. **Financial Institution executions** attach certain accounts at financial institutions (such as banks). You must find out where the account is located. The court cannot find this out for you.

You must pay a fee if you want to apply for an execution.

How to get an execution (order to hold and turn over property of person who owes judgment):

You must apply for an execution. Information from the **Notice of Judgment** and an accurate record of payments made (if any) will be needed.

Applications for executions are available online at: <https://jud.ct.gov/webforms/> or at clerk's offices and court service centers.

After the application execution is reviewed and the execution is signed by the clerk, it will be available to you. You must then hire a state marshal or other proper officer to serve the execution. A list of state marshals is on the Judicial Branch website at: www.jud.ct.gov/faq/marshals.htm. The list may also be viewed at any clerk's office or court service center. The marshal may ask you for additional information.

Can I collect my costs to get the judgment and interest on the judgment from the time it was decided?

Yes. The party who won, (sometimes called the judgment creditor), may collect costs and fees paid. If the court orders it, interest on the judgment from the time it was decided (called postjudgment interest) may also be collected.

If postjudgment interest is ordered by the court, it continues to add up and increase the amount owed until the debt is paid off.

The amount of postjudgment interest collected when an execution issues is determined by the marshal who serves the execution.

When the judgment is fully paid (satisfaction of the judgment)

If the full amount of the judgment is paid to the winning party, the party who won must file a Notice of Satisfaction ([JD-CV-164](#)) within 90 days.

Examination (asking questions) of Judgment Debtor

If an execution is returned without the party who won being fully paid, or if post-judgment interrogatories (questions asked of the judgment debtor after judgment) are not answered within 30 days, you may file a *Petition for Examination of Judgment Debtor* (form **JD-CV-054**) and application for a subpoena to require the party that owes the money to attend a remote court hearing. This gives you a chance to ask the party that owes the money questions under oath about their property, assets, or financial institution accounts. You may get the Petition for Examination of Judgment Debtor at the clerk's office, at a court service center, or on the Judicial Branch website at <https://jud.ct.gov/webforms/>.

Section 7

To determine where to file your small claims case, go to <https://jud.ct.gov/directory/directory/directions/smallclaims.htm>

Section 8

Judicial District Locations and Telephone Numbers

Ansonia-Milford Judicial District
14 West River Street
Milford CT, 06460
(203) 877-4293

Danbury Judicial District
146 White Street
Danbury CT, 06810
(203) 207-8600

Bridgeport Judicial District
1061 Main Street
Bridgeport CT, 06604
(203) 579-6527

Hartford Judicial District
95 Washington Street
Hartford CT, 06106
(860) 548-2700

Litchfield Judicial District
50 Field Street
Torrington CT, 06790
(860) 626-2100

Middlesex Judicial District
1 Court Street
Middletown CT, 06457
(860) 343-6400

New Britain Judicial District
20 Franklin Square
New Britain CT, 06051
(860) 515-5180

New Haven Judicial District
at New Haven
235 Church Street
New Haven CT, 06510
(203) 503-6800

New Haven Judicial District
at Meriden
54 West Main Street
Meriden CT, 06451
(203) 238-6666

New London Judicial District
at New London
70 Huntington Street
New London CT, 06320
(860) 443-5363

New London Judicial District
at Norwich
1 Courthouse Square
Norwich CT, 06360
(860) 887-3515

Stamford-Norwalk Judicial District
123 Hoyt Street
Stamford CT, 06905
(203) 965-5308

Tolland Judicial District
69 Brooklyn Street
Rockville CT, 06066
(860) 896-4920

Waterbury Judicial District
300 Grand Street
Waterbury CT, 06702
(203) 591-3300

Windham Judicial District
155 Church Street
Putnam CT, 06260
(860) 928-7749

Superior Court Housing Sessions by District

Bridgeport Judicial District

Housing Session at Bridgeport (203) 579-6936

1061 Main Street
Bridgeport, CT 06604

Hartford Judicial District

Housing Session at Hartford (860) 756-7920

80 Washington Street
Hartford, CT 06106

New Britain Judicial District

Housing Session at New Britain (860) 515-5180

20 Franklin Square
New Britain, CT 06051

New Haven Judicial District

Housing Session at New Haven (203) 789-7937

121 Elm Street
New Haven, CT 06510

Stamford-Norwalk Judicial District

Housing Session at Stamford (203) 965-5308

123 Hoyt Street
Stamford, CT 06905

Waterbury Judicial District

Housing Session at Waterbury (203) 591-3310

300 Grand Street
Waterbury, CT 06702

Section 9

Fees Payable to the Clerk in Small Claims Cases

For information about the court fees, go to:

<https://jud.ct.gov/external/super/courtfee.htm>

Personal Checks are acceptable with the following restrictions:

1. Check must be made payable to the “Clerk of the Superior Court;” third party checks are not acceptable;
2. Check must be preprinted with the current name, address, and telephone number of payer;
3. Check amount cannot exceed \$5,000.00;
4. Photo ID or driver’s license is required as proof of identity;
5. A check drawn on a foreign bank, other than a Canadian bank, shall not be accepted. Funds must be made payable in U.S. funds. Canadian checks must have the notation “Payable in U.S. funds” clearly printed on the face of the check;
6. No checks may be cashed.

Section 10

Forms

Small claims forms can be found on the Judicial Branch website under Forms.



www.jud.ct.gov