

DC Small Claims and Conciliation Branch - FAQs

1. How will I know if my claim is one that can or should be filed in Small Claims Court?

You can file your claim in Small Claims Court if the person you are suing lives, works, or does business in the District of Columbia, or if the incident or transaction took place in the District and if the claim does not exceed \$5000.

2. How old must I be in order to file a claim in Small Claims Court?

You must be 18 years of age or older, but minors may sue through a legal guardian or an adult friend.

3. Is there any other way to resolve a dispute before I file a claim in Small Claims Court?

Yes, you may try the [Multi-Door Dispute Resolution Division](#) of the Superior Court. Multi-Door provides mediators who can work with both parties to try to resolve their dispute in a way that works for both of them, rather than resorting to a lawsuit.

4. Is there a certain application or form I will need to complete my claim?

Yes, the clerk will give you a [Statement of Claim form](#), an information sheet, a handbook about Small Claims, and a sample sheet as to how to complete the form.

5. What information should the statement of claim form contain?

The [Statement of Claim form](#) requests the following information: your name, address, and telephone number where you can be reached during the day; the correct name and address of the party you are suing; and a simple but complete statement of why you are suing. If you are suing a corporation, you will need its proper name, address, and the registered agent's name or owner's name and address.

6. If I am suing a business, what additional information is needed?

You must list the name of the business, the owner or registered agent's name, and full address. If you do not have this information, it can be obtained by calling 202-442-4311 or by visiting the license branch of the Department of Consumer and Regulatory Affairs (DCRA) located at 941 North Capitol Street NE, Room 1100, Washington, D.C. 20036 or you may visit the [Department of Consumer and Regulatory Affairs website](#).

7. What written proof will I need to bring when filing my claim for damages?

It is important that you bring two copies of any written evidence such as contracts, repair estimates (two or more), leases, letters, written records, receipts, promissory notes, paid bills, or canceled checks, etc.

8. May my claim request that the other party pay court costs and interest?

Yes, if you prevail, the other party will likely be ordered to pay court costs and interest. Court

costs consist of all the costs you have paid to the court. Interest will be set at the legal rate unless you have a written contract that was signed with another interest rate noted. When writing your statement regarding the claim, always indicate "plus cost and interest". However, the fees that you pay to a special process server are not recoverable court costs.

9. Will the court award me money for the time that I take from work to handle my claim?

No, compensation for time out of work cannot be recovered as damages or costs.

10. What fee will I have to pay to file a Claim?

The fees for filing the statement of claim are \$5 (for claims of \$500 or less), \$10 (for claims more than \$500 and up to \$2,500), or \$45 (for claims in excess of \$2,500). These fees are to be paid by cash, cashiers' check, or money order. The fees for having the defendant(s) served is \$5.21 for each defendant served by certified mail or \$9.31 for each defendant served by certified mail with restricted delivery and \$5.00 to have a special process server(s) approved to serve the defendant(s). You must pay by cash or certified funds. If you pay by certified funds, it must be the exact amount.

11. What if I cannot afford to pay the fees for filing a claim?

If you cannot afford to pay the filing fees, tell the clerk that you would like to have the prepayment of fees set aside, and he or she will assist you.

12. How would I know if someone has sued me in Small Claims?

If you are being sued in Small Claims Court, you will receive a statement of claim notifying you of a hearing date.

13. What if I feel the party who is suing me owes me money?

If you think you have your own claim against the party suing you, notify the clerk that you want a [counterclaim form](#), which you must complete and file. The cost to file a counterclaim is \$10.

14. How will the other party be notified that a claim has been filed against them?

In Small Claims Court, there are two ways to notify the person being sued: certified mail or a process server. If the party chooses to use the clerk for certified mail service and pays the \$5.21 certified mail fee, then the Court notifies the defendant. If you want the certified mail to be delivered only to the defendant then the certified mail fee is \$9.31. If the party chooses a special process server and pays the \$5.00 fee to have the special process server approved, then the filing party is responsible for making service. A process server is someone that you, not the clerk, hire for a fee to serve your claim. A process server can also be someone you know who is 18 years or older, who lives or works in the District of Columbia, and who has nothing at all to do with the case. Your process server will have to fill out an affidavit, which will be provided by the clerk, and have it notarized. The affidavit must be returned no later than five business days before the court date.

15. How and when will I receive a court date?

When you file, the clerk will assign you a scheduled hearing date.

16. How will I confirm my court date?

You can call the clerk's office two business day prior to the hearing date to determine whether a copy of the statement of claim has been served on the defendant. If a process server served your claim, you can contact the process server to confirm that he/she has served the defendant properly and has returned a notarized affidavit to the clerk's office or you can visit our website at <https://www.dccourts.gov/pa/> to check the status of your case.

17. What if the defendant was not served with the statement of claim?

If the defendant was not served with a copy of the statement of claim informing him or her of the hearing date, the case will not be heard on the scheduled date. You then need to file the necessary documents with the clerk in the Small Claims Office to get a new hearing date and serve the defendant.

18. What if I cannot appear on the hearing date?

Do not ignore the statement of claim. Notify the clerk in the Small Claims Office, either in person or by phone, and he or she will assist you in requesting a new date.

19. What will happen if I fail to appear or do not call the clerk's office?

If you do not call or do not show up, your claim will be dismissed or if you are a defendant a judgment will most likely be entered against you. This means you have lost the case without a chance to present your version of the incident to the judge or participate in the mediation process.

20. May I bring witnesses or documents that will help my case?

You should bring witnesses or people who can help your case, as well as documents that support your claim.

21. What if my witness refuses to appear? Is there another way I can get them to appear?

If a witness will not agree to appear, tell the clerk that you want to subpoena your witness. If subpoenas are to be issued to witnesses, the defendant must be served first with a copy of the complaint. You should call the clerk's office at least ten days prior to the hearing date to allow the subpoenas to be served upon the witness. Service may be made by certified mail or by a process server. There is a \$42 witness fee for each witness subpoena.

22. What if both parties show up and want to settle the claim before court actually begins?

If the two of you reach an agreement before the judge hears the case and want to cancel the scheduled hearing, you must file a form stating that your case has been settled and requesting that the case be dismissed.

23. What if the parties in the case cannot come to a settlement on their own but do not wish to go to trial?

If you are unable to settle your case, trained mediators are available before your case goes to trial. [Multi-Door Dispute Resolution Division](#)

24. What if we are still unable to come to an agreement after a mediator helps us?

If you are unable to settle your case with the help of a mediator, you must return to the courtroom.

25. What happens at the hearing?

Small Claims Court starts at 9 a.m. Arrive on time and bring all court papers and supporting documents for the claim with you. If you are suing and arrive after 9 a.m. or do not appear, your case may be dismissed. If you are being sued and arrive after 9 a.m. a judgment may be entered against you. In other words, you may lose without a hearing if you are late.

26. Should I approach the clerk in the courtroom and notify him or her of my claim?

No, the courtroom clerk calls all of the cases on the court docket that day to find out who is present. If the defendant has not been served, your case will not appear on the docket which is posted at the entrance of the courtroom and you must see the clerk in the clerk's office. If your name is on the court docket, proceed into the courtroom and have a seat. Please answer loudly when your name is called. After the clerk finishes calling the cases he or she will assist you if you have any questions.

27. What if I show up and the defendant is not there?

If the defendant has been served, the court will rule that the defendant is in default and ask you to prove your damages.

28. What if I am being sued and the plaintiff is not there?

If you are being sued, and the other party is not there, the court will likely dismiss the case.

29. If I win the case, how do I collect my money?

There are several ways to collect your money:

You can order a certified copy of the judgment for a fee of \$5. This will provide you with official proof of the judgment so that you may obtain a writ of attachment on the losing party's funds.

If you know that the losing party has a bank account in D.C. or is employed in D.C., and you have the necessary bank account and/or employment information you may issue a writ of attachment on the losing party's bank account or to his or her place of employment. Attachment forms are available in the Clerk's office for a \$10 fee.

If you do not know about the assets of the losing party, you can issue a subpoena to the losing party to appear in court to testify about the money and other assets he has that could be used to pay the claim. The fee is \$10 for a subpoena plus an additional fee for service by the clerk - \$5.21 for certified mail or \$9.31 for certified mail with restricted delivery.

30. What if I win my case in Small Claims Court and the losing party has assets in

another jurisdiction?

If your party has assets in another state and you wish to have these assets levied or attached, you will have to order a triple certificate, which transfers the judgment to another jurisdiction. You will receive the triple certificate in 10 business days. After you receive the triple certificate, you must take this document to the court in the other state in order to file the necessary documents to collect the money.

31. If I win my case, is the court responsible for giving me my money?

No, it is not the court's responsibility to pay or collect what is owed to you. It is your responsibility to take all legal actions necessary to collect on your judgment.

32. May I do anything if I lose my case?

Yes, if you lose your case in a small claims court hearing, you may appeal the magistrate judge's decision to an associate judge in the civil actions branch by filing a motion for judicial review. There is no hearing scheduled for the motion for judicial review. A motion for judicial review must be filed with the clerk within 10 business days of your hearing. You may file your motion for review in the clerk's office for forwarding to a judge in the civil actions branch. The fee is \$10. The associate judge does not consider any new evidence when ruling on a motion for judicial review. You may also request that the judgment be "stayed" (not take effect immediately) because you are going to file a motion for judicial review.

33. What if I file a motion for judicial review and still do not win my case, but I believe I should have?

You may appeal the judge's decision to the D.C. Court of Appeals. If you decide to appeal, you have three business days from the date of the judge's decision to file an application. The application is provided and filed at the D.C. Court of Appeals clerk's office in the Moultrie Courthouse. The fee is \$10. Appeals from the Small Claims Court are not automatic. The Court of Appeals will decide whether or not to consider your appeal. [Appeals Guide](#).

34. What if a case has been filed against me and I was never notified?

If you were never notified of a claim filed against you and have a judgment entered against you, you may file a motion to vacate the judgment. This motion will cost you \$10 and, once you have filed it with the clerk's office, a court date will be scheduled. You must appear on that date to give reasons why this judgment should be removed. The other party will be notified of the court date by the clerk's office.

35. What if I was never notified of the court date and the court is now garnishing my bank account or my wages?

If your bank account or wages have been garnished or attached, a judgment has been entered against you and the winning party has proceeded with collecting. You may file a motion to vacate the judgment and quash the writ of attachment. The cost is \$10.

36. If my address changes, how will the court notify me of any other court proceedings?

It is your responsibility to notify the Clerk's Office of any change of address.

37. What if I have additional questions?

If you have additional questions you may call the clerk's office at 202-879-1120, visit the clerk's office during business hours, visit our website at <https://www.dccourts.gov/pa/>, visit the Small Claims Resource Center located in Room 102, or contact an attorney or legal service organization.

http://www.dccourts.gov/dccourts/superior/civil/small_claims_faq.jsp