



# Guide to Small Claims

## 1. Basic Information

- Small Claims cases are used for cases up to \$7,500 in value to recover money or property, perform or set aside a contract, or comply with restrictive covenants.
- You are limited to 2 Small Claims a month, and no more than 18 a year per county.
- The legal rate of interest is 8% compounded annually.
- File in the county where the **Defendant** lives, works, or where the property is located.
- There are no jury trials in small claims.
- If you win a judgment, you must collect what is owed. The Court doesn't do that for you.
- The law that directs this process is Colorado Revised Statute (C.R.S.) section (§) 13-6-403 and the Colorado Rules of Procedure for Small Claims (Rules 501 – 521).

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## 2. Step-by-Step Guide

### Step 1 – Start the Lawsuit

(Plaintiff)

a) Complete the starting paperwork:

JDF 250 –Notice, Claims, and [Summons](#).

**Note:** Don't attach any exhibits to this form.

b) Bring the form to the courthouse to file.

c) Pay the filing fee. See [Fees Section](#) for details.

d) The clerk will fill in the trial date when you file.

### Step 2 – Notify the Defendant

(Plaintiff)

You must notify the [Defendants](#) at least 15 days before the Trial. You have two options:

#### Formal Notification | Personal Service

Give the form to a [process server](#).

- Someone must formally give the forms to each [Defendant](#).
- You cannot be the one who completes service.
- Contact the Sheriff's office in the county where the [Defendant](#) lives or works. Or,
- Hire a professional [process server](#).

The [process server](#) completes the Return of Service section of the form.

File the Return of Service with the court.

#### Clerk's Certified Mail

**Note:** This is not the preferred method and could cause delays.

Ask the clerk to notify the [Defendant](#) by certified mail:

- You will have to pay the cost of certified mail when you file.
- If it doesn't work, you will have to use personal service instead.

## Note on Serving a Business or Government Agency

### For a Business

If the **Defendant** is a business, go online to [www.sos.state.co.us](http://www.sos.state.co.us)

- a) Select the business section to determine who the registered agent is. You will need to serve the paperwork to this person.
- b) It is important that you identify how the **Defendant's** business is organized. For example, if the business is a sole proprietorship, corporation, etc. Rule 304 of the Colorado Rules of County Court Civil Procedure identifies how service should be completed based on the type of business and this information will assist the individual who know the rules of service when they serve JDF 250.

### For a Government Agency

You may be required to file a written notice with the Attorney General or other government representative, prior to filing your case with the Court, pursuant to C.R.S. § 24-10- 109.

## Step 3 – Response (Defendant)

- a) Complete the **Response** section (Part 2 / Page 3) of JDF 250 on or before the trial date.
- b) Pay the filing fee. See [Fees Section](#) for details.

## Step 4 – Mediation (Both Parties)

Mediation can be an effective way to resolve your dispute.

In mediation, a neutral third party works with the parties in a confidential setting to help them negotiate a mutually acceptable agreement.

Contact the Office of Dispute Resolution to schedule or apply for low-cost mediation.



[www.coloradoodr.org](http://www.coloradoodr.org)

## Step 5 – Mediation Outcome (Both Parties)

a) If both parties reach a compromise, file form:

JDF 75 – Stipulation.

**Note:** Both parties need to sign the form.

b) If an agreement wasn't reach prepare for trial.

## Step 6 – Prepare for Trial (Both Parties)

Gather the information you'll need to present your argument to the Judge.

### **Prepare Your Evidence**

a) Outline Your Arguments

Highlight the key issues you would like to present. Then you will need to identify what documents and who can speak to facts supporting those arguments.

b) Gather the documents you need to support your arguments. Label your exhibits, if you have more than one. Keep them organized.

Examples of exhibits are documents such as photographs, charts, and receipts.

c) Make copies of your exhibits. You'll need a least one to give to the Court, and one to give to the other party.

If the Court makes copies for you, there will be a fee per page.

d) Prepare for Witnesses

Determine if you will need any witnesses.

You can ask the witness to appear voluntarily, or you may need to request the Court to issue a subpoena to require a witness to attend the Trial.

Review “JDF 79 - Instructions for Issuing a Subpoena” for more information on subpoenas.

## Step 7 – Trial Outcome

(Both Parties)

- a) The Court will usually determine the facts, who won, and the amount of the judgment. They may also award of costs (filing fee, service fee(s), and witness fee(s), if applicable) to the winning party.
- b) The party who was awarded the judgment is responsible for collecting the money. **The Court cannot do this for you.**
- c) The Court may provide the person who is owed the money with a Motion & Order for Interrogatories, Form 252 A or B.

Interrogatories are approved written questions that the person who owes money is required to answer.

- d) Review “JDF 82 – Guide to Collecting a Judgment” for more information on collect a debt.

### 3. Fees

Filing Fee Depends on the amount of the claim:

Amount Claimed	Complaint	Response	Response & Counterclaim
\$500 or less	\$31	\$26	\$31
Over \$500	\$55	\$41	\$46

Copy Fee \$0.25 per page.

To Request a Fee Waiver:

- JDF 205 - Motion to Waive Fees.
- JDF 206 - Order. (Just do the **case caption**.)

If you receive certain types of public assistance, you may automatically qualify for a fee waiver. Then use:

- JDF 209 – Notice of Fee Waiver.

### 4. All Forms

[www.courts.state.co.us/Forms](http://www.courts.state.co.us/Forms)

JDF 250 SC – Small Claims Notice, Claim and Summons.

As Needed Forms:

- JDF 75 - Stipulation.
- JDF 76 – General Motion
- JDF 81 – General Response
- JDF 254 - Subpoena.

### 5. ADA Information

For reasonable accommodations under the Americans with Disabilities act contact your court’s ADA coordinator.

## 6. Legal Advisory

These are basic instructions for informational purposes only. They do not constitute legal advice. If you choose to represent yourself, you are bound by the same rules and process as a lawyer. If you do not understand this information, please contact a lawyer.

## 7. Common Terms

Case Caption	The boxes at the top of the form. It contains the court's address, parties' names, the filer's contact information, and the case number.
Defendant	The person who responds to the case.
Plaintiff	The person who started the case.
Process Server	Someone (not you) who delivers court paperwork. This service of process lets a person know they are officially part of the case and the next steps they need to take.
Response	The documents where the Defendant states if the claims and facts are true or false.
Summons	A document issued by the court, or a licensed attorney, that lets the Defendant know when the hearing is and required next steps in the case process.