

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS
(SMALL CLAIMS DIVISION)

OFFICE HOURS: 8:00 A.M. - 4:00 P.M. (CLOSED 12:00 NOON TO 1:00 P.M.)

TELEPHONE: Anderson County - (785) 448-6886
Coffey County - (620) 364-8628
Franklin County - (785) 242-6000
Osage County - (785) 828-4713

PLEASE READ THOROUGHLY AND FOLLOW THESE INSTRUCTIONS

1. PLEADINGS:

1. Complete the petition carefully. The name, address, and telephone number of both plaintiff and defendant shall be on the petition. Plaintiff's signature on the petition must be notarized or signed in front of the clerk or deputy clerk of the district court. You must file the case in the same county that the defendant can be served. **YOU MUST FILE THE ORIGINAL COPY OF THE PETITION. YOU MUST ALSO FILE A CIVIL INFORMATION SHEET WITH YOUR PETITION.**
- b. The defendant MUST be at least 18 years of age or older. If not, then you must add the parents name, address and telephone number on the petition as well.
- c. The maximum number of claims that can be filed per year is twenty (20). The maximum amount for which one may file a claim is FOUR THOUSAND DOLLARS (\$4,000.00). A filing fee must be paid at the time a case is filed. The filing fee is \$30.00 for claims of \$500.00 or less. The filing fee is \$50.00 for claims of \$501.00 to \$4,000.00. **There is also a \$5.00 sheriff's service of process fee. A separate check or money order made payable to the County Sheriff's Office must accompany your petition. Do not combine the sheriff's fee with a check or money order for the filing fee, which is to be made payable to Clerk of District Court.**
- d. The court may request that you provide self-addressed, stamped envelopes for correspondence between the parties in the case and the court.

2. TRIAL SETTING:

- a. The time the case will be tried is scheduled by the court at the time the petition is filed and is set out on the summons. The plaintiff will receive a copy of the petition. The defendant's summons will indicate the trial date and time.

3. TRIAL:

- a. The hearing is a meeting before a judge. The plaintiff and defendant should report to the courtroom or check in at the District Court office. Each party will be allowed a short time in which to present their case to the court, and if necessary, a short time for cross-examination of the opposing witness. Neither party may be represented by an attorney.
- b. If a witness is to be called, it is the responsibility of each party to have the witness present in the courtroom.
If this cannot be done by agreement with the witness, upon written request by party, the court will subpoena the witness. The request must be filed at least five (5) days prior to the trial in order to have time to serve the subpoena on the witness requested. A ten dollar (\$10.00) plus mileage check should accompany the request for a subpoena. **There is a \$5.00 sheriff's service of Process fee that must accompany the subpoena. For each witness being subpoenaed, a check or money order made payable to the County Sheriff's Office must be provided by the party wishing to subpoena witnesses.** *Written statements of intended witnesses ARE NOT allowed in court.*

4. JUDGMENT:

- a. Judgment will be made by the presiding judge after both parties have been given an opportunity to speak. (If the defendant does not appear, the plaintiff is granted judgment by default).
- b. After judgment has been awarded by the court, an attorney may assist in the collection attempt, or the court may be asked to assist in this respect by issuing requested post judgment orders allowed by law.

5. POST-JUDGEMENT ORDERS:

- a. Request for Garnishment (Wage or Non-Wage) can be issued to the court for service on employers or financial institutions to recover the amount of the judgment.

6. APPEALS:

- a. An appeal may be taken from the judgment by either party by filing a Notice of Appeal with the Clerk of the District Court within ten (10) days after the date judgment is entered. A filing fee of \$147.00. Attorneys may enter the case on behalf of either party at this time.