

**Small Claims – General Statement of Claim and Notice
(#2DC06)**

**In the Small Claims Division of the
District Court of the Second Circuit
_____ Division
State of Hawai`i**

Please read these instructions before you start the form

How to use this form

Use this form to file a small claims case if you believe someone owes you \$5,000 or less.

When you file this form, you are called the **Plaintiff**. The person you want a judgment against is called the **Defendant**.

This form is 3 pages and has 2 parts:

Part I: The **Statement of Claim**, including your sworn statement about your situation (called a **Declaration**).

Fill out Part I to give the Court the details about your case and to tell the Court what you would like to happen.

Part II: A **Notice of Hearing**. The Court Clerk will use this part of the form to schedule a hearing for your case. At the hearing, you will be able to present evidence and tell the Judge why you should win this case. The Defendant will have the same opportunity.

When you have finished the form and the Court has scheduled a hearing, you must deliver a copy of the full form to the Defendant. You can find more information on the **Service of Process Information Sheet**.

Case number:

Part I

STATEMENT OF CLAIM

- 1** Give the Court your contact information and as much of the Defendant's contact information as you can. If you have an attorney, give the Court your attorney's contact information.

Your name,
address,
telephone
number, and
email:

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Defendant's
name,
address,
telephone
number, and
email:

--

Your attorney's
name, attorney
number, firm
name, address,
telephone
number, and
email:

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Attorney signature

On the next page, you will give the Judge more information about your case and what you would like to happen. You will then sign a Declaration, swearing that the information in this form is true.

2 Give the Court information about the money that the Defendant owes you.

The Defendant owes me this much money:

\$

The Defendant has owed me this money since this date:

Month	Day	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

This is why the Defendant owes me money:
(Attach another sheet if you need more room.)

3 Read the information below and then sign the Declaration.

I would like the Court to order the Defendant to pay me the amount listed above. I would also like the Court to order the Defendant to pay me interest, costs, and fees that the Court believes are just and reasonable.

PLAINTIFF'S DECLARATION

The information in this claim is true and correct. I understand that I may be prosecuted for perjury if I have stated anything in this form that I know is not true.

Your signature:

Today's date:

Part II

NOTICE OF HEARING

4 Fill in the Defendant's name below and then take or mail the form to the Court. Court staff will schedule a hearing and will fill out the rest of Part II then return it to you to serve.

To:

(Defendant's name)

The Plaintiff has filed this Statement of Claim. A Judge will hear arguments from both the Plaintiff and the Defendant at the place and time stated here:

Place:	<input type="checkbox"/>	Wailuku Division	2145 Main Street, Courtroom 3D, Third Floor, Wailuku, Hawai'i 96793
	<input type="checkbox"/>	Lahaina Division	1870 Honoapi'ilani Highway, Lahaina, Hawai'i 96761
	<input type="checkbox"/>	Hana Division	4974 Uakea Road, Hana, Hawai'i 96713
	<input type="checkbox"/>	Molokai Division	55 Makaena Place, Kaunakakai, Hawai'i 96748
	<input type="checkbox"/>	Lana'i Division	312 8 th Street, Lana'i City, Hawai'i 96763

Date & time:

If you need to mail or deliver anything to the Court, use this address, even if your hearing is at another location:

2nd Circuit Court
2145 Main Street, Room 106, Wailuku, Hawai'i 96793

Clerk's signature:

Today's date:

Here is more information to help both parties prepare for the hearing.

What if I don't come to the hearing?

If you are the Defendant and you do not come to the hearing on the date and time shown above, the Court may order you to pay the Plaintiff the amount requested in the Statement of Claim. This is called a Default Judgment.

If you are the Plaintiff and you do not come to the hearing, the Court may dismiss your case.

May I hire an attorney?

Yes. You may come to the hearing with or without an attorney.

May I bring witnesses and documents to support my case to the hearing?

Yes. If you plan to question witnesses, they must come to the hearing at the date and time shown above.

You may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the hearing.

How can I make sure my witnesses show up for the hearing?

The Court can help you make sure a witness comes to the hearing by issuing a subpoena. If you wish to subpoena witnesses, contact the Court Clerk as soon as possible before the hearing.

How can I get the case moved to a different court?

A small claims case can only be transferred to the Court's Regular Claims Division if the Plaintiff agrees to the transfer. If the Plaintiff agrees to the transfer, you must pay the regular claims filing fee to this Court.

Defendant, if you file a counterclaim for more than \$5,000, then either you or the Plaintiff may ask for a jury trial. Once the jury fee is paid, the Court will decide if the case should be transferred to the Circuit Court.

If I lose the case, may I appeal it?

No. In a small claims action, the Judge's decision is final. You **MAY NOT** appeal a judgment of the Small Claims Division.

Instructions to the Plaintiff about delivering this form to the Defendant

You must deliver a full copy of this form to the Defendant, either by registered or certified mail, with restricted delivery, or by personal service. Please read the Instructions on the **Service of Process Information Sheet** carefully before you try to serve the Defendant.

Restriction on personal service: This claim may not be personally delivered between 10:00 p.m. and 6:00 a.m. unless it is served at a location that is open to the public, or unless a Judge of this Court, by written order, permits personal delivery during those hours.



Americans with Disabilities Act Notice

If you need an accommodation for a disability when participating in a court program, service or activity, please contact the ADA Coordinator as soon as possible to allow the court time to provide an accommodation:

- Call (808) 244-2855, FAX (808)244-2932; or
- Send an e-mail to: adarequest@courts.hawaii.gov

The court will try to provide, but cannot guarantee, your requested auxiliary aid, service or accommodation.

If you need help with this document, please contact **PHONE NO.** (808) 244-2706 or **VISIT** the Service Center at 2145 Main Street, Room 141, Wailuku.

SERVICE PROCESS INFORMATION SHEET **(SMALL CLAIMS)**

IT IS THE PLAINTIFF'S RESPONSIBILITY TO EFFECT SERVICE. EACH DEFENDANT MUST BE SERVED SEPARATELY, BY ONE OF THE FOLLOWING METHODS:

1) DISINTERESTED THIRD PARTY

Anyone who is 18 years of age or older and who is **NOT** a party to the Claim, may serve your documents. The Disinterested Third Party, or you, will file the Return of Service as soon as the Defendant is served.

2) PROCESS SERVER

Contact the 2nd Circuit Service Center at (808) 244-2706 or 2145 Main Street, Room 141, Wailuku or at the Website at dps.hawaii.gov for a current list of Process Servers, their fees may vary.

Contact a Process Server and make your own arrangements to have your Small Claims or Regular Claims documents served upon the Defendant. The Process Server, or you, will file the Return of Service as proof that the Defendant was served.

3) CERTIFIED MAIL

SMALL CLAIMS Take the certified copy of your Statement of Claim to the Post Office and mail to each Defendant by Certified Mail, Restricted Delivery (addressee only), and Return Receipt Requested (green card).

You can either file the Return Receipt (green card) and the Mail Cost Slip as proof of service or on the day of your court, present the Return Receipt (green card) showing the date of delivery and the signature of the Defendant and the Mail Cost Slip to the Clerk/Judge.

NOTE: If the Defendant is not served prior to the court date, you **MUST** still appear to obtain another court date for service upon the Defendant.

4) SERVICE QUESTIONS

Please contact the Self-Help Center located on the 1st floor of the courthouse at 2145 Main Street, Wailuku. Hours of operation are:

Self-Help Center
Hours: Monday and Thursday
10:00 a.m. to 1:00 p.m.