Small Claims – General statement of claim and notice (#1DC06)

In the Small Claims Division of the District Court of the First Circuit
_____ Choose One _____ 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:

Case number:

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**.

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:		Defendant’s name, address, telephone number, and email:	
Your attorney’s name, attorney number, firm name, address, telephone number, and email:		_____ 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

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:		
	Honolulu Division	Kauikeaouli Hale - 1111 Alakea Street, Honolulu – 10th Floor
	ʻEwa Division	870 Fourth Street, Pearl City, Honolulu, Hawaiʻi
	Koʻolaupoko/Koʻolauloa Division	45-939 Poʻokela Street, Kāneʻohe, Hawaiʻi
	Wahiawā or Waialua Division	1034 Kilani Avenue, Wahiawā, Hawaiʻi
	Waiʻanae Division	4675 Kapolei Parkway, Kapolei, Hawaiʻi

Date & time:

If you need to mail or deliver anything to the Court, use this address, even if your hearing is at another location:
1111 Alakea Street, Honolulu, Hawaiʻi 96813 – Third Floor

Clerk's signature:

Today's date:

Clear form

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) 538-5121; 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 the District Court Service Center at **PHONE NO.** (808) 538-5629 • **VISIT 1111 Alakea Street, Third Floor.**