


# Starting Your Small Claims Case

## Online Dispute Resolution (ODR) Pilot Program

### Quick Guide for Plaintiffs

 **Important:** This is an online program. If you do not have the required technology (access to a computer, laptop, tablet, smart phone, internet) or don't know how to use the required technology, submit a *Request for Exemption from Small Claims Online Dispute Resolution Pilot Project*. This form may be found on the Hawaii State Judiciary [Small Claims ODR Pilot Project](#) website.

#### 1. Sign up for a TurboCourt account

Go to [www.TurboCourt.com/Hawaii](http://www.TurboCourt.com/Hawaii) and choose "Hawaii" as your state. You will need to register with your e-mail address.

#### 2. Select "Small Claims – Start a New Case"

You must be logged into the TurboCourt program.

#### 3. Choose your jurisdiction and court location

The TurboCourt program has information to help you select your jurisdiction and location.

#### 4. Enter information about your claim

The information you enter will be used to complete and generate your court forms.

#### 5. Review your filing fee payment options

There is a \$35 filing fee, which is required by law. If you would like to request a waiver of this fee, check the request box. The TurboCourt program will ask you additional questions to prepare your request for the court.

#### 6. Review your documents

Click on the "VIEW" button to review your document. If you need to make changes, click the "REVIEW/EDIT YOUR ANSWERS" button.

#### 7. Select your filing fee payment option

If you did not request a filing fee waiver, you may pay the \$35 filing fee online using a credit card, in person, or via U.S. mail.

#### 8. Click "SUBMIT" and log out

The TurboCourt program will electronically send your documents to the court for processing. TurboCourt will also let you know when your documents have been officially filed with the court. Be sure to check your e-mail regularly.

**IMPORTANT:** After your case has been officially filed with the court, follow the steps in the *Instructions for Filer: Service of Process Information Sheet*. This can be found in your list of documents in the [TurboCourt](#) program and on the Hawaii State Judiciary [Small Claims ODR Pilot Project](#) website.



The total amount I am willing to accept from defendant to settle both claims is \$\_\_\_\_\_.

Example:	\$2,000	The amount I am willing to accept to settle my claim
	- 800	The amount I am offering to settle defendant's counterclaim.
	<b>\$ 1,200</b>	<b>The amount I am willing to accept from defendant to settle both claims.</b>

- I do not agree with defendant's counter claim. (You may wish to use the ODR Defendant's worksheet and other references located on the Hawaii State Judiciary website [Small Claims ODR Pilot Program](#)).

### 5. Responding to defendant's offer.

Do you understand the terms of the offer?    Ask questions using the ODR chat function if you don't.  
Do you need a different payment date?    Make a counter offer with a different payment schedule.  
Does the offer meet most of your needs?    Make a reasonable counter offer.

### 6. Closing the court case.

Remember that a court case has been started. You and the defendant will also need to agree on one of the following:

- Dismiss the case.** You and defendant may agree to dismiss the case against defendant and the counterclaim, if there is one. The court will not make a decision as to who owes money and how much. There are two types of dismissals:
  - 1) **"Without prejudice"** – this means you keep the right to file the same claim against the defendant in the future.
  - 2) **"With prejudice"** – this means you cannot file the same claim against the defendant in the future.
- Continue the court hearing date.** You and defendant may agree to ask the court to change the hearing date to allow time for all agreed payments to be made.
- Judgment.** You and defendant may agree to ask the court to issue a judgment. A judgment is a court order that can be enforced against the defendant to collect monies owed.

If no agreement is reached within the seven (7) days negotiation period, you will be required to come to the courthouse on the date and time assigned. At that time, the presiding Judge may order the parties to mediation with a neutral third-party mediator before the case proceeds to trial.

If you need legal assistance to better understand the court process and your legal rights and responsibilities, please visit the [Hawaii State Judiciary](#) website. Under Self-Help and the Access to Justice Tabs, you will find information about Self-Help Centers, Access to Justice Rooms, and other resources for legal assistance.