



How to Sue for Up To \$5,000 in Small Claims Court Non-Motor Vehicle Case

Small Claims Complaint and Summons Contract/Tort Cases Only

Who Should Use This Packet?

You **can use** this packet if a person or company owes you up to \$5,000 and you want to ask the court to order them to pay. You can also use this packet if you gave a landlord security deposit and it was not returned. **This packet cannot be used if your case involves a motor vehicle accident.** Some reasons you might sue a person or company:

- a person or company failed to comply with a written or oral contract;
- you paid money as a down payment and want it returned;
- your property was damaged or lost;
- merchandise you bought is defective;
- work you paid for was faulty or not completed;
- you want to be paid for work you did;
- someone wrote you a bad check;
- you gave a landlord a security deposit that was not returned.

You **cannot** use this form for:

- a malpractice claim against a doctor, dentist, or lawyer, or other professional;
- a claim for child support or alimony;
- a claim arising from a probate matter, a prerogative writ action or a claim for equitable relief;
- or a **motor vehicle accident case** in Small Claims Court (ask for a special packet for that type of case).

Note: You must be at least 18 to file your claim. If you are under 18, your parent or guardian has to file the claim for you

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary’s Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of [Special Civil Part Offices](#) is provided at the customer counter and at njcourts.gov.

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The Small Claims Section is a court in which you may sue someone (the defendant) to collect a small amount of money that you believe is owed to you. Because procedures in Small Claims are simpler than in other sections of the court; people usually can file and present their cases relatively quickly and inexpensively, and often without an attorney.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect any special treatment, help, or attention from the court. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies of all completed forms and documents related to your case.

Definitions of Words Used in This Packet

Breach of Contract: A *breach of contract* is a failure to perform a promise which is a part of a written or oral contract.

Certification: A *certification* is a written statement made to the court when you file papers with the court, swearing that the information contained in the papers is true to the best of your knowledge.

Complaint: A *complaint* is a document in which you briefly tell the court the facts in your case and the relief you want the court to grant.

Default: When the defendant does not appear in court to respond to the complaint or does not file an answer, a judge may order in your favor. This is called a *default*. Also, if you do not show up in court, the court may dismiss your case.

Defendant: The *defendant* is the party who is being sued.

File: To *file* means to give the appropriate forms and fee to the court to begin the court's consideration of your request.

Motion: A *motion* is a written request in which you ask the court to issue an order, or to change an order it has already issued.

Order: An *order* is a signed paper from the judge telling someone they must do something.

Party: A *party* is a person, business, governmental agency, etc., involved in a court action.

Plaintiff: The *plaintiff* is the party who starts the lawsuit.

Return Date: This is the date the plaintiff and defendant are told to appear in court.

Service of Process: *Service of Process* is the official delivery of the papers to the other party.

Summons: A *summons* is the paper that notifies the defendant that they are being sued and briefly explains the steps they need to take once they have received this notice.

Tort: A *tort* is an injury inflicted on a person or property independent of a contract.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8.5” x 11” white paper only. Forms may not be filed on a different size or color paper.

Steps for Filing Your Small Claims Complaint and Summons

STEP 1: Fill out the *Small Claims Complaint* (Form A).

The *Small Claims Complaint* tells the court and the defendant the facts of the case and the things you want the defendant to do.

STEP 2: Fill out the top of the *Small Claims Summons* (Form B).

The *Small Claims Summons* is delivered by the court to the defendant in the case (the person or company being sued). It puts the defendant on notice that you have filed a complaint against them. It also informs the defendant of the steps they must take to dispute the claim. Attach page 2 of the summons form (Form B) and the filing fee to the complaint before mailing or delivering your papers to the court. Page 1 of the summons is a pre-printed form that the court will attach when it delivers the summons to the defendant.

STEP 3: Be sure that the papers can get to the defendant.

It is very important that you provide the court with the defendant’s correct address. After you file your papers with the court, the court will then mail or deliver the papers to the defendant using the address you gave the court. If the address is correct and the defendant is served with the papers, then the court will notify both sides of a court date.

If the defendant cannot be found at the address you provided, the court will notify you that the trial has been cancelled for that reason. You must then provide the court with another address and pay a reservice fee within 60 days of the date you filed the complaint, or the case will be dismissed. It will be reinstated automatically if you can provide a valid address within one year.

STEP 4: Pay the filing fee.

A check or money order must be made payable to the *Treasurer, State of New Jersey*, or if filing electronically through the Judiciary Electronic Document System (JEDS), you may use a credit card.

Plaintiff’s Filing Fees:

- \$42 for one defendant (\$35 Filing Fee and \$7 certified and regular mail Service Fee).
- \$12 for each additional defendant (\$5 Filing Fee and \$7 certified and regular mail Service Fee)

STEP 5: Where to file the *Small Claims Complaint* (Form A).

You must file the complaint with the Office of the Special Civil Part in the county where at least one defendant lives or, if the defendant is a business entity, in the county where its registered office is located or in any county in which it actually does business. If there is more than one defendant, the complaint can be filed in the county where any of the defendants live or,

if a business entity, is located or does business. If none of the defendants live or do business in New Jersey, the complaint must be filed where the cause of the complaint occurred. **NOTE:** A complaint for the return of a security deposit may be filed in the county where the landlord lives or where the landlord's property is located.

STEP 6: Check your completed forms.

Check your forms and make sure they are complete. Remove all instruction sheets. Make sure you have signed the forms wherever necessary.

Checklist - You must have all of the following items in this order:

- Complaint (Form A)
- Summons (Form B)
- Filing fee in the form of check or money order, or electronic credit card payment. Do not mail cash. You may use cash if you pay in person, but you should keep the receipt you get from the court staff for your records.

STEP 7: Mail or deliver your package of completed papers to the court.

You can file your papers electronically through JEDS, by mail or in person. If you mail the papers, we recommend that you use certified mail, return receipt requested. This will provide you with a green receipt card that can serve as proof that you mailed the papers. Your post office can tell you how to send certified mail, return receipt requested.

- Mail or deliver to the court the original of all the forms.
- Keep one copy of the entire packet for your own records.
- Review steps 1 through 7 before mailing this packet to the court.

STEP 8: You will get a court date for your trial.

After you file your papers with the court, you will receive a postcard in the mail with the date you must attend court. The defendant will also be notified to attend court on the same date. If you do not attend court on this date, your case may be dismissed. If you cannot make your court date because of circumstances beyond your control, you must contact the court in advance and request that your date be rescheduled.

If the other party does not attend, the court may find the other party is in default. Be prepared to present all the evidence (documents, photographs, and witnesses) you need to prove your case with you to court on your court date. A witness' written statement, even if under oath, is not admissible in court. The court will permit only actual testimony in court of what the witness heard or saw. Prepare your questions in advance. Even if the defendant does not attend, the judge may schedule a Proof Hearing at which you must present all documents that support your case such as canceled checks, money orders, sales receipts, bills, contracts, estimates, leases, letters, photographs, and other documents proving your claim.

The court will likely ask that you attempt to settle your case with the help of a judge's law clerk or another trained mediator before you go to trial. If you settle your case, you must tell the judge and court clerk.

The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. Please contact the local ADA coordinator to request an accommodation. Contact information is available at njcourts.gov.

The New Jersey Judiciary provides court-interpreting services. If you need an interpreter, notify the court as soon as possible. Contact information is available at njcourts.gov.

Instructions for Completing Form A - Small Claims Complaint Contract or Tort

A. Fill in the required information at the top of the form. In the section below the *Docket No.*, check the one item that applies to your type of claim:

- **Contract:** Your case involves a written or oral agreement between you and another person or company.
- **Security Deposit:** You want to recover the money you gave a landlord to secure a place for you to lease.
- **Rent Owed:** You are a landlord trying to collect the money owed to you by a tenant.
- **Tort other than a motor vehicle:** You are asking to be paid for injuries to you or your property resulting from an event other than a motor vehicle accident.

NOTE: You cannot use this packet if you are asking to be paid for injuries to you or your property resulting from a motor vehicle accident. You can obtain a motor vehicle packet from the court.

B. In the section labeled *Complaint*, type or print the amount of money you believe you are owed after the word *Demand*. In the blank spaces in the center of the complaint, you must explain the reasons you are suing the Defendant in detail. (Note: You may attach more sheets if you need to.)

Some reasons you might sue a person or company are:

- a person or company did not comply with a written or oral contract;
- you paid money as a down payment and want it returned;
- your property was damaged or lost;
- merchandise you bought is defective;
- work you paid for was faulty or not completed;
- you want to be paid for work you did;
- someone wrote you a bad check;
- you gave a landlord a security deposit that was not returned.

C. If the *Complaint* (Form A) or any of the copies of papers that you attach to the complaint contain a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or information as to an individual's military status, you must redact (black out) this information so that it cannot be seen, unless any such personal identifier is required to be included by statute, rule, administrative directive or court order. If an active financial account is the subject of your case and cannot otherwise be identified, you may use the last four digits of the account to identify it.

NOTE: Do not redact (black out) this information in the original papers that you are keeping since you may have to show them to the court at some point.

D. Date and sign the form.

IMPORTANT NOTE:

You *cannot* sue in **Small Claims Court** for a malpractice claim against a doctor, dentist, lawyer or other professional. You *cannot* sue in **Small Claims Court** or in **Special Civil Part** for:

- a claim for child support and/or alimony
- a claim arising from a probate matter, such as a will.

Small Claims Complaint (Contract, Security Deposit, Rent, or Tort)

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver’s license number, vehicle plate number, insurance policy number, active financial account number, active credit card number or military status.

Plaintiff or Filing Attorney Information

Name _____

NJ Attorney ID Number _____

Address _____

Email Address _____

Telephone Number _____

**Superior Court of New Jersey
Law Division, Special Civil Part
Small Claims Section**

_____ County

Docket Number _____

(to be provided by the court)

From Plaintiff

Name _____

Address _____

Email Address _____

Telephone Number _____

Civil Action
Complaint

To Defendant

Name _____

Address _____

Email Address _____

Telephone Number _____

Check One:

Contract

Security Deposit

Rent

Personal Injury or Property Damage
(other than motor vehicle)

Demand: \$_____ plus costs. Type or print the reasons you, the Plaintiff(s), are suing the Defendant(s): Attach additional sheets if necessary.

Small Claims Complaint (Contract, Security Deposit, Rent, or Tort)

IMPORTANT: Plaintiffs and defendants must bring all witnesses, photos, and documents, and other evidence to the hearing. Subpoena forms are available at the Clerk’s office to require the attendance of witnesses.

The Judiciary will provide reasonable accommodations to enable individuals with disabilities to access and participate in court events. Please contact the local ADA coordinator to request an accommodation. Contact information is available at njcourts.gov.

The New Jersey Judiciary provides court-interpreting services. If you need an interpreter, notify the court as soon as possible. Contact information is available at njcourts.gov.

I certify that the matter in controversy is not the subject of any other court action or arbitration proceeding, now pending or contemplated, and that no other parties should be joined in this action.

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).

Date

Plaintiff’s Signature

Plaintiff’s Name Typed, or Printed

Instructions for Completing Form B - Small Claims Summons

- A. Under the section labeled *Plaintiff or Plaintiff's Attorney Information*, type or print the name, address and telephone number of your attorney if you have one. If you do not have an attorney and are representing yourself, type or print your name, address and telephone number.
- B. Under the section labeled *Defendant Information*, type or print the Defendant(s)' name, address, and telephone number.
- C. In the upper right-hand corner before the word *County*, type or print the name of the county you are suing in.
- D. In the spaces below the word *County*, type or print the address and telephone number of the courthouse you are filing in.
- E. Where it says to *Check One*, check whether you are suing for breach of contract or a tort (see definitions on page 4).
- F. In the space after the words *Demand Amount*, type or print the amount you are suing for.
- G. In the space after the words *Filing Fee*, type or print the total amount of the filing fee for the number of defendants you are suing (see STEP 4 on page 5).
- H. Leave the space after the word *Service Fee* blank for the court staff to complete (see STEP 4 on page 5).
- I. Leave the space after the words *Attorney's Fees* blank. If you are represented by an attorney, they will fill that section out for you.
- J. Leave the area after the word *Total* blank for the court staff to complete.

Small Claims Summons and Return of Service – Page 2

Plaintiff or Plaintiff’s Attorney Information:

Name: _____
NJ Attorney ID Number _____
Address _____

Email Address _____
Telephone Number _____

Superior Court of New Jersey
Law Division, Special Civil Part
_____ County

Plaintiff(s)

v.

Docket Number: _____
(to be provided by the court)

Defendant(s)

Defendant Information:

Name: _____
Address: _____

Email Address _____
Telephone Number _____

**Civil Action
Summons**

Check One: **Contract**
 Tort

Demand Amount \$ _____
Filing Fee \$ _____
Service Fee \$ _____
Attorney’s Fees \$ _____
TOTAL \$ _____

You must attend the trial on this date _____ and time _____ a.m./ p.m. or the court may rule against you.

Report to: _____

Return of Service (For Court Use Only)

Date Served: _____

Return of Service if Served by Court Officer

Docket Number _____
Date: _____ Time: _____ WM WF BM BF Other _____
Ht _____ Wt _____ Age _____ Hair _____ Mustache Beard Glasses
Name: _____ Relationship: _____
Description of Premises _____

I hereby certify the above to be true and accurate:

Special Civil Part Officer