

Pre-Judgment: Basic Steps for Handling a Small Claims Case for RECOVERY OF MONEY

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims actions. Resources available in each county may be found at the link below:

<https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf>

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at:

<https://www.wicourts.gov/forms1/circuit.htm>.

In addition to the guidance in this handbook, follow local court rules or procedures:

[Wisconsin Circuit Court Rules](#)

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information as it applies to your case. Talk to a lawyer if you are unsure whether these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

1. **Decide in which county you will file your case.** Small Claims cases for recovery of money may be filed in the county where the:
 - claim arose;
 - property that is the subject of your claim is located, or
 - defendant (the party you are suing) lives or does business.
2. **Fill out a Small Claims Summons and Complaint form.** The general Summons and Complaint, (SC-500) form or Summons and Complaint (with Instructions), (SC-500i) form has step-by-step instructions on the left side. Once you have filled it out, you should make at least two copies for each party you are suing and a copy for yourself.
3. **File the Summons and Complaint.** The Summons and Complaint must be filed and the copies file stamped, and a filing fee paid to the clerk of court in the county where you are filing your case.
4. **Have each party you are suing served with a copy of the Summons and Complaint.** For the court to hear the case, each party must be provided with a copy of the Summons and Complaint far enough in advance of the first court date or answer deadline. The requirements for this service (delivery) are different in each county. Some counties require the documents to be served by a sheriff or a private process server (“personal service”), while others allow mail service by the clerk of court. See Pre-Judgment: Basic Steps to Small Claims Service, (SC-6050V) form for additional information.
5. **Complete a Declaration of Nonmilitary Service, (GF-175) form for each party you are suing.**

6. **File your proof(s) of service and Declaration(s) of Nonmilitary Service with the clerk of court.** File the Declaration(s) of Nonmilitary Service and, if a sheriff or private process server has served the other party, also file the proof(s) of service you received. File these documents with the clerk of court at or before the first court date or answer deadline according to local court rules.
7. **For the first court date, follow the local court rules for attending.** Some counties require all parties to come to court. Other counties allow the other party to answer in writing and the parties do not have to come to court. Follow the rules where your case is filed or your case may be dismissed. <https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx>.
8. **If there is a disagreement, the court will schedule a trial/hearing.** Before the trial/hearing, you may contact the other party to try to settle your case. Some counties require the parties attend mediation. If you reach an agreement, put your agreement in writing and file it with the clerk of court before the trial/hearing. You may use the Stipulation for Dismissal (Non-Eviction), (SC-5310VA) form and Order for Dismissal (Non-Eviction), (SC-5310VB) form to do this. If you have not reached an agreement before the trial/hearing, organize your paperwork and evidence in support of your claim and make enough copies for the court and all parties. If you have witnesses, arrange for them to attend. Practice what you are going to say. Make sure to follow local court rules for filing documents or statements before the trial/hearing.
9. **Attend the trial/hearing.** Be on time and be polite. Don't get emotional. Explain why the court should give you what you are asking for. The court will review your evidence and listen to your witnesses, if any. When the court makes its decision, listen carefully. If a commissioner heard your case, any party may request a new trial before a judge. The commissioner will give you instructions after your hearing. See the instructional packet, Basic Guide to Wisconsin Small Claims Actions, (SC-6000V), for additional information about preparing and participating at trial.

Collect and preserve any documents or receipts from your dealings with the other party. Put them in chronological date order. Evidence on cell phones, computers or other electronic devices must be printed out or saved to a storage device to submit to the court. Making a detailed timeline of all of the events involved (in date order) may help you present your case in a more organized way. **It is recommended that you bring copies of all documents for the court and all other parties.**

10. **Complete any post-decision activities.** If you are granted a judgment, you may have the judgment docketed by paying a fee to the clerk of court so it becomes a lien on the other party's real property. The Court will enter an Order for Financial Disclosure, (SC-506A) form and the other party will be required to complete Financial Disclosure Statement, (SC-506B) form and send it to you within 15 days of entry of judgment unless they have already paid the judgment. If the other party does not complete the disclosure, you may file a Motion and Request for Hearing on Contempt, (SC-507A) form and Order for Hearing on Contempt, (SC-507B) form.

The court does not collect your judgment for you, but there are actions you can take to collect your judgment. See Post-Judgment: Basic Steps Guide for Handling a Small Claims Earnings Garnishment, (SC-6070V) and the Execution Against Property, (GF-115) form. You may be required to obtain a sheriff's indemnity bond from your insurance company before the sheriff will serve the execution. Contact the appropriate sheriff for further instruction.