



Small Claims Overview

For more information on small claims, visit michiganlegalhelp.org/smallclaims.

A

General Information About Small Claims Cases

The small claims division is a part of the district court. Small claims is less formal (and often faster) than a traditional court case. With small claims:

- Both parties give up the right to an attorney, to a jury trial, and to appeal the judge's decision.
- Claims are limited to money only. You can't ask the court to return property or order someone to do or stop doing something.
- The court cannot order more than \$7,000 through a judgment, even if the claim is worth more.

The party starting the case is called the **plaintiff**. The party being sued is called the **defendant**.

There are three common types of plaintiffs in small claims:

- **Individuals:** a person, guardian, conservator, or next friend (an adult who represents a minor or someone unable to speak for themselves in court).
- **Businesses (sole proprietor, partnership, corporation):** a business owner, business partner, or full-time employee.
- **Government entities (a county, city, village, township, or school district):** an elected or appointed officer or employee authorized by the governing body to file a claim.

B

Filing a Small Claims Case

To start a small claims case, the plaintiff needs to:

1. **Fill out the *Small Claims Affidavit*** (Form DC 84). If there is more than one defendant, also fill out the *Small Claims Affidavit Addendum* (Form DC 84a). Forms are available at courts.michigan.gov/SCAO-forms.
2. **Sign in front of a notary public or deputy clerk.** A notary public or deputy clerk will check your ID, have you swear or affirm that the information in the affidavit is true, and watch you sign. You may find a **notary public** at a bank, library, shipping and packaging store, or online. You may find a **deputy clerk** at the courthouse.
3. **File the completed form in district court.**
 - **Where to file:** File the completed form with the district court in the county where the claim happened or in the county where the defendant is established, resides, or is employed. Court information is available at courts.michigan.gov/trial-court-directory.
 - **How to file:** The court may or may not allow filing in-person, by mail, or through MiFile (electronic filing). Contact the court for information about filing methods. A list of MiFile courts is available at mifile.courts.michigan.gov/availablecourts.
 - **Filing and processing fees:** You will need to pay a filing and processing fee to the court at the time of filing: **\$30 (for claims up to \$600), \$50 (for claims between \$600-\$1,750), or \$70 (for claims over \$1,750)**. If you cannot afford the fee, you may file a *Fee Waiver Request* (Form MC 20) with the *Small Claims Affidavit*.

C Service

After filing, the court clerk will set a date for a hearing and arrange to deliver the *Small Claims Affidavit*, *Small Claims Notice of Hearing*, and this *Small Claims Overview* to the defendant. This is called service. Service may be completed by certified mail or a process server. The plaintiff may be required to also pay the following fees to the court:

- **Service fees:** The cost of serving the documents.
- **Copy fees:** Some courts require copies of the completed *Small Claims Affidavit*. If the court makes copies, there may be a fee. Contact the court for more information about copy fees.

D The Hearing

1. **Magistrate hearings:** Your case may be assigned to a magistrate, which is an attorney appointed to hear cases. You have the right to ask that a judge conduct the hearing instead of a magistrate. You can do this in writing or at court before the hearing starts.
2. **Removing a case from small claims:** Having your case heard in the small claims division is optional. **Either party has the right to move the case from the small claims division to the general civil division of the district court.** This process is called “removing” the case. If a case is removed to the general civil division, parties may hire attorneys, have a jury trial, and appeal decisions.

There are two ways to remove the case from the small claims division to the general civil division:

- **Option 1:** Complete a request in writing using the *Small Claims Demand for Removal* (Form DC 86) and return it to the court before the hearing.
 - **Option 2:** Go to the hearing as scheduled. Before it starts, tell the judge or magistrate you want to remove the case to the general civil division.
3. **Hearing accommodations and requests:** If you need accommodations to fully participate in the hearing, such as a foreign language interpreter or sign language interpreter, contact the court and ask for the Americans with Disabilities Act (ADA) coordinator right away. Evening and Saturday court hours may be made available if a written request is submitted and need for the request is shown.
 4. **Preparing for hearing:** The parties must **bring all evidence** (papers, witnesses, photos, emails, books, etc.) to the hearing to prove or disprove the claim. The defendant may also request an installment payment plan at the hearing, if they are unable to disprove the claim.
 5. **Missed hearing:** If the plaintiff does not appear at the hearing, the court may **dismiss the claim**. If the defendant does not appear, the court may **grant the claim up to \$7,000 plus court costs**.

E Case Outcome

If a hearing takes place, it will end in a dismissal or a judgment.

1. **If a dismissal is entered**, the case is closed.
2. **If a judgment is entered**, the *Small Claims Dismissal or Judgment* (Form DC 85) will describe the amount owed and the payment instructions. The party who must pay is called the judgment debtor. The party who is owed money is called the judgment creditor.

If the judgment debtor does not follow the payment instructions, the judgment creditor may take steps to collect the unpaid amount. For information about collection options, see *Collecting a Small Claims Judgment* (Form DC 85info).