



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27–28, 2016

Title

Small Claims: Plaintiff's Claim and
Information Forms

Agenda Item Type

Action Required

Effective Date

January 1, 2017

Rules, Forms, Standards, or Statutes Affected

Revise forms SC-100, SC-100-INFO, and
SC-100A

Date of Report

October 18, 2016

Recommended by

Civil and Small Claims Advisory Committee
Hon. Raymond M. Cadei, Chair

Contact

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Executive Summary

The Civil and Small Claims Advisory Committee recommends revising two small claims forms to conform to the recent change in the law regarding court interpreters in civil cases and further revising these forms and one other small claims form to improve their clarity, consistency with the law, and readability.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2017:

1. Revise *Plaintiff's Claim and ORDER to Go to Small Claims Court (Small Claims)* (form SC-100) and *Information for the Plaintiff (Small Claims)* (form SC-100-INFO) to conform to recent changes in the law regarding court interpreters in civil cases;
2. Further revise form SC-100 to:

- Add a check box to item 1 on page 2 to specify whether the plaintiff is a payday lender under the California Deferred Deposit Transaction Law, Financial Code section 23000 et seq.;
 - Include space for the name and address of the person designated as an agent for service, where the defendant is a business or public entity;
 - Add a demand for the return of property, with demand language that conforms to Code of Civil Procedure section 116.320, subdivision (b);
 - Conform the declaration that the plaintiff has not filed more than two small claims cases demanding more than \$2,500 in the calendar year to section 116.231, subdivision (b);
 - Clarify the description of small claims court and to specify the types of plaintiffs that may claim up to \$10,000 and those that are limited to \$5,000;
 - More accurately state the time for filing a notice of appeal;
 - clarify that, in the event of settlement, the plaintiff and only the plaintiff must file a request for dismissal with the clerk; and
 - More accurately state the law regarding a defendant's claim, including jurisdictional limits and transferability;
3. Further revise form SC-100-INFO to:
- Add an item advising that, with very limited exceptions, the defendant must be served within the state of California (see Code Civ. Proc., § 116.340);
 - Advise small claims plaintiffs to read *What is "Proof of Service"?* (Small Claims) (form SC-104B) and to add a heading to distinguish information regarding timing and proof of service from the prior section on substituted service; and
 - More accurately describe when a defendant can file a motion to transfer the plaintiff's claim out of small claims court; and
4. Revise *Other Plaintiffs or Defendants (Attachment to Plaintiff's Claim and ORDER to Go to Small Claims Court)* (form SC-100A), the attachment form to be used for listing additional plaintiffs or defendants, to include space for the name and address of the person designated as an agent for service, where the defendant is a business or public entity.

The revised forms are attached at pages 9–16.

Previous Council Action

The Judicial Council adopted form SC-100 and the predecessor to form SC-100-INFO in 1977 and has subsequently revised both forms numerous times to reflect statutory changes, add and revise pertinent information, and make them easier for small claims litigants to understand and use.¹ The interpreter instructions on both of these forms were most recently revised effective January 1, 2008, to clarify that the court is not required to provide an interpreter for free unless the small claims party qualifies for a fee waiver, citing *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412.

The Judicial Council adopted form SC-100A in 2005 and most recently revised it to make technical changes, effective January 1, 2007.

Rationale for Recommendation

Court interpreter instructions

Both *Plaintiff's Claim and ORDER to Go to Small Claims Court* (form SC-100) and *Information for the Plaintiff* (form SC-100-INFO) include instructions regarding court interpreters for parties who need language assistance. Currently both forms indicate that a fee will be charged for the interpreter if no fee waiver has been granted in the action. (See “What if I don’t speak English well” on page 4 of form SC-100 and “Interpreters” on page 2 of form SC-100-INFO.) These provisions were added to the small claims forms to reflect statutes that previously required courts to charge for court interpreters in civil matters and case law stating that courts could provide a free court interpreter for an indigent small claims party who needed one, and should do so if an interpreter was available. (See Government Code sections 26806 and 68092 and *Gardiana, supra*, 59 Cal.App.3d at p. 412.)

Evidence Code section 756, which was enacted effective January 1, 2015, now prohibits courts from charging parties for court interpreters in civil cases. Section 756 also identifies the civil case types to be given preference for receiving court interpretation services in the event that funding is insufficient for courts to provide interpreters in all civil cases. (Evid. Code, § 756, subds. (b), (d).) Small claims cases are not among the case types receiving top priority for court interpreter services. The Small Claims Act, however, specifically contemplates interpreters and language assistance. Code of Civil Procedure section 116.550 provides that (1) if an interpreter is unavailable at the first scheduled hearing, the court is to continue the hearing so the litigant may bring someone (not an attorney) with him or her for language assistance; and that (2) the court is to make a reasonable effort to maintain and make available to parties a list of interpreters. The Information for the Defendant on form SC-100 reflects section 116.550, informing the defendant that he or she may have one postponement of the trial date if he or she needs more time to get an interpreter.

¹ The small claims information sheet was adopted as form SC-150. The Judicial Council revoked form SC-150 and adopted form SC-100-INFO, which contained nearly identical text and formatting, effective July 1, 2010.

To comply with the new legislation, the committee recommends removing references to fees for interpreters and fee waivers because courts can no longer charge for interpreter services. In addition, the committee recommends changing the order of information provided in this section to first advise small claims litigants to ask about the availability of a court-provided interpreter, while also cautioning that an interpreter might be unavailable. Litigants are then advised that, alternatively, they may bring an adult who is not a witness or an attorney to interpret for them and that they may ask the court for a list of interpreters for hire.

Other recommended revisions to forms SC-100² and SC-100-INFO

Because the forms must be amended to conform them to the recent changes in the law, the committee is also taking this opportunity to recommend the following additional revisions to forms SC-100 and SC-100-INFO to improve their clarity, consistency with the law, and readability. The recommended revisions to SC-100 are:

- **Payday Lender**
Adding a check box to item 1 on page 2 to specify whether the plaintiff is a payday lender under the California Deferred Deposit Transaction Law, Financial Code section 23000 et seq. Identification of a payday lender claimant will make it easier for courts to enforce Financial Code section 23036(d), which prohibits treble damages under Civil Code section 1719 based on a deferred deposit transaction.
- **Name and Address of the Agent for Service of Process**
Revising the defendant's information, item 2 on page 2, to include space for the name and address of the person designated as an agent for service, where the defendant is a business or public entity. The attachment form to be used for listing additional defendants, *Other Plaintiffs or Defendants* (form SC-100A), is similarly revised.
- **Demand Requirement**
Adding to item 4 on page 3 a sentence referring to a demand for the return of property to make the demand language consistent with Code of Civil Procedure section 116.320, subdivision (b), which provides that the small claims form must state that "the plaintiff, where possible, has demanded payment and, in applicable cases, possession of the property. . . ." This proposed revision also makes form SC-100 consistent with form SC-100-INFO.
- **Number of Small Claims Filed in a Calendar Year**
Revising the declaration that the plaintiff has not filed more than two small claims cases demanding more than \$2,500 in the calendar year (item 11 on page 3) to conform to section 116.231, subdivision (b), which requires the plaintiff to make this declaration only if the *current* claim demands more than \$2,500.

² Both forms SC-100 and SC-100-INFO also contain other minor, nonsubstantive revisions to improve clarity and readability or to correct grammar and syntax.

- **Description of Small Claims Court**

Revising the description of small claims court, which is the first item on the Information for the Defendant section of the form, beginning at page 4, for clarity, for accuracy, and to eliminate a misplaced modifier.³ The proposed revision specifies the types of plaintiffs that may claim up to \$10,000 and those that are limited to \$5,000.

- **Time to File Notice of Appeal**

Revising the first bullet point under the heading **What if I lose the case?** to more accurately state the time for filing a notice of appeal. Under section 116.750(b), a notice of appeal must be filed not later than 30 days after the clerk has delivered or mailed notice of entry of the judgment to the parties.

- **Instructions Regarding Settlement and Dismissal**

Revising the item entitled **Settle your case before the trial** to clarify that, in the event of settlement, the plaintiff must be the one to file a request for dismissal with the clerk. There is no small claims form for dismissals, so the proposed revision also specifies that the plaintiff should file the general civil form, *Request for Dismissal* (form CIV-110).

- **Defendant's Claim**

Revising the item entitled **Sue the person who is suing you** to more accurately state the law regarding a defendant's claim. The proposed revision advises defendants regarding (1) the options to file a claim that exceeds the small claims jurisdictional limit in small claims court and waive the excess or file it in the appropriate court for the full value of the claim, (2) the option to move to transfer the plaintiff's claim under appropriate circumstances, and (3) where on the form to find information regarding small claims jurisdictional limits. The revised language is consistent with that provided to plaintiffs on form SC-100-INFO at page 2 under the heading **What if the defendant also has a claim?**

The other recommended revisions to form SC-100-INFO, *Information for the Plaintiff* are:

- **Some Rules About the Defendant (including government agencies)**

Adding item 3 to this section to advise that, with very limited exceptions, the defendant must be served within the state of California. (See Code Civ. Proc., § 116.340.)

- **How Does the Defendant Find Out About the Claim?**

Adding a sentence to advise small claims plaintiffs to read *What is "Proof of Service"?* (form SC-104B), and adding heading number 5 to distinguish information regarding timing and proof of service from the prior section on substituted service.

³ Note that the *Information for the Defendant* section of the form is also provided in Spanish on the same form; revisions to the English section of the form will also be made to the Spanish section.

- **What If the Defendant Also Has a Claim?**

Revising this section to more accurately describe when a defendant may file a motion to transfer the plaintiff's claim out of small claims court. The revision is consistent with the revised language on form SC-100 at page 4, in the section titled **Sue the person who is suing you**.

Comments, Alternatives Considered, and Policy Implications

The proposed revisions to forms SC-100, SC-100-INFO, and SC-100A were circulated for public comment between April 15 and June 14, 2016, as part of the regular spring 2016 comment cycle. Seven individuals or organizations submitted comments on the proposal. One commentator agreed with the proposal, five agreed if the proposal is modified, and one did not state a position but submitted specific comments. Commentators included the Joint Rules Subcommittee of the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, three superior courts, one judicial officer, one State Bar committee, and one county bar association.

A chart with the full text of all comments received and the committee's responses is attached at pages 17–26. The main substantive comments are discussed below.

Comments on court interpreter provisions

Both the Superior Court of Los Angeles County and the Joint Rules Subcommittee objected to the proposed language of the revised interpreter provision on page 4 of form SC-100 and requested that individual courts be allowed to insert their own local court procedure into that section. The committee concluded that a consistent statement regarding court interpreters was preferable to allowing the insertion of differing local court procedures, particularly given that the law and rules pertaining to court reporters are being examined by the Language Access Plan Implementation Task Force and may change in the near future.

Alternatively, the commentators requested that the text of the item be changed to read: “Ask the ~~civil or small claims court clerk for an interpreter as far in advance of your court date as possible~~ if your court has a court-provided interpreter and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness to interpret for you or ask the court for a list of interpreters for hire.”

The committee recommended accepting the proposed changes to the text, but with modifications to read: “Ask the court clerk as soon as possible if your court has a court-provided interpreter available and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness or an attorney to interpret for you or ask the court for a list of interpreters for hire.”

The committee concluded that it was important to advise small claims litigants to request an interpreter in advance. There is no rule or statute that specifies a time frame, but to avoid small claims litigants requesting an interpreter for the first time when they come to court for trial, the

committee recommended adding the phrase “as soon as possible.” Similarly, the committee recommended adding the word “available,” since what is at issue is the availability of an interpreter. Removing the word “available,” along with underlining the word “if” for emphasis could suggest that the court does not have interpreters at all.

Finally, another commentator suggested specifying that an adult brought by the small claims litigant to serve as an interpreter should not be an attorney. The committee discussed this suggestion, considered different phrasing options, and recommends this change.

Other comments

Clarify which business-entity defendants have agents for service of process. The commissioner and the county bar association raised the point that form SC-100 is unclear regarding which business entities are required to have an agent for service. The committee agreed with clarifying this item on both form SC-100 and form SC-100A and recommends revising the forms to indicate that an agent must be specified for defendants that are corporations or limited liability companies.

Consider whether form SC-100 and/or form SC-100A should provide space for two defendants. Form SC-100 and form SC-100A, as revised by the committee, provide space to list two plaintiffs and one defendant. The current forms provide space for two defendants, but with the revisions proposed by the committee, one of those spaces would be used for the defendant’s agent for service of process. The invitation to comment asked specifically whether form SC-100 and/or form SC-100A should be made a page longer to allow space for an additional defendant’s name and address.

Comments on this question were mixed. Several commentators said not to add a page: the Superior Court of Los Angeles County, Joint Rules Subcommittee, commissioner, and county bar association. Several indicated that multiple defendants are more common than multiple plaintiffs: the Superior Courts of Riverside and San Diego Counties and the county bar association (which also suggested gathering more data on this point). The Superior Courts of Riverside and San Diego Counties suggested adding a page to the forms to list more defendants. The State Bar committee expressed no opinion.

The committee decided both forms should be kept at their current length, i.e., not made a page longer to allow space for another defendant.

Alternatives Considered

In addition to the alternatives considered in response to the public comments, the committee considered the alternative of not changing the forms. This alternative was not pursued because the court interpreter instructions no longer comply with the law.

Implementation Requirements, Costs, and Operational Impacts

This proposal will impose a need for training of court clerks, staff, and judicial officers regarding the new information to be found on the forms. It will also impose a cost in producing or procuring new forms. As a result of these revisions, the advisory committee expects that courts will save staff time in explaining formerly confusing provisions and clarifying small claims procedures and in determining the identity of appropriate agents for service. At the same time, litigants will benefit from forms that are more accurate, informative, and readable.

Attachments

1. Judicial Council forms SC-100, SC-100-INFO, and SC-100A, at pages 9-16
2. Chart of comments, at pages 17-25

Clerk stamps date here when form is filed.

DRAFT**8/17/16****Not approved by
the Judicial Council****Notice to the person being sued:**

- You are the defendant if your name is listed in ② on page 2 of this form. The person suing you is the plaintiff, listed in ① on page 2.
- You and the plaintiff must go to court on the trial date listed below. If you do not go to court, you may lose the case.
- If you lose, the court can order that your wages, money, or property be taken to pay this claim.
- Bring witnesses, receipts, and any evidence you need to prove your case.
- Read this form and all pages attached to understand the claim against you and to protect your rights.

Aviso al Demandado:

- Usted es el Demandado si su nombre figura en ② de la página 2 de este formulario. La persona que lo demanda es el Demandante, la que figura en ① de la página 2.
- Usted y el Demandante tienen que presentarse en la corte en la fecha del juicio indicada a continuación. Si no se presenta, puede perder el caso.
- Si pierde el caso la corte podría ordenar que le quiten de su sueldo, dinero u otros bienes para pagar este reclamo.
- Lleve testigos, recibos y cualquier otra prueba que necesite para probar su caso.
- Lea este formulario y todas las páginas adjuntas para entender la demanda en su contra y para proteger sus derechos.

Fill in court name and street address:

Superior Court of California, County of

Court fills in case number when form is filed.

Case Number:**Case Name:****Order to Go to Court****The people in ① and ② must go to court:** (Clerk fills out section below.)

Trial Date	→ Date	Time	Department	Name and address of court, if different from above
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
Date: _____		Clerk, by _____, Deputy		

Instructions for the person suing:

- You are the plaintiff. The person you are suing is the defendant.
- *Before* you fill out this form, read form SC-100-INFO, *Information for the Plaintiff*, to know your rights. Get SC-100-INFO at any courthouse or county law library, or go to www.courts.ca.gov/smallclaims/forms.
- Fill out pages 2 and 3 of this form. Then make copies of **all** pages of this form. (Make one copy for each party named in this case and an extra copy for yourself.) Take or mail the original and these copies to the court clerk's office and pay the filing fee. The clerk will write the date of your trial in the box above.
- You must have someone at least 18—not you or anyone else listed in this case—give each defendant a court-stamped copy of all five pages of this form and any pages this form tells you to attach. There are special rules for “serving,” or delivering, this form to public entities, associations, and some businesses. See forms SC-104, SC-104B, and SC-104C.
- **Go to court on your trial date listed above.** Bring witnesses, receipts, and any evidence you need to prove your case.



Plaintiff (list names):

Case Number:

1 The plaintiff (the person, business, or public entity that is suing) is:

Name: _____ Phone: _____

Street address: _____

Street

City

State

Zip

Mailing address (if different): _____

Street

City

State

Zip

If more than one plaintiff, list next plaintiff here:

Name: _____ Phone: _____

Street address: _____

Street

City

State

Zip

Mailing address (if different): _____

Street

City

State

Zip

- ☐ Check here if more than two plaintiffs, and attach form SC-100A.
- ☐ Check here if either plaintiff listed above is doing business under a fictitious name. If so, attach form SC-103.
- ☐ Check here if any plaintiff is a "licensee" or "deferred deposit originator" (payday lender) under Financial Code section 23000 et seq.

2 The defendant (the person, business, or public entity being sued) is:

Name: _____ Phone: _____

Street address: _____

Street

City

State

Zip

Mailing address (if different): _____

Street

City

State

Zip

If the defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process here:

Name: _____ Job title, if known: _____

Address: _____

Street

City

State

Zip

- ☐ Check here if your case is against more than one defendant, and attach form SC-100A.
- ☐ Check here if any defendant is on active military duty, and write his or her name here: _____

3 The plaintiff claims the defendant owes \$ _____ . (Explain below):

a. Why does the defendant owe the plaintiff money?

When did this happen? (Date): _____

b. If no specific date, give the time period: Date started: _____ Through: _____

c. How did you calculate the money owed to you? (Do not include court costs or fees for service.)

- ☐ Check here if you need more space. Attach one sheet of paper or form MC-031 and write "SC-100, Item 3" at the top.



Plaintiff (list names):

Case Number:

- 4 You must ask the defendant (in person, in writing, or by phone) to pay you before you sue. If your claim is for possession of property, you must ask the defendant to give you the property. Have you done this?

☐ Yes ☐ No If no, explain why not:

- 5 Why are you filing your claim at this courthouse?

This courthouse covers the area (check the one that applies):

- a. ☐ (1) Where the defendant lives or does business. (4) Where a contract (written or spoken) was made, signed, performed, or broken by the defendant or where the defendant lived or did business when the defendant made the contract.
☐ (2) Where the plaintiff's property was damaged.
☐ (3) Where the plaintiff was injured.
- b. ☐ Where the buyer or lessee signed the contract, lives now, or lived when the contract was made, if this claim is about an offer or contract for personal, family, or household goods, services, or loans. (Code Civ. Proc., § 395(b).)
- c. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, if this claim is about a retail installment contract (like a credit card). (Civ Code, § 1812.10.)
- d. ☐ Where the buyer signed the contract, lives now, or lived when the contract was made, or where the vehicle is permanently garaged, if this claim is about a vehicle finance sale. (Civ Code, § 2984.4.)
- e. ☐ Other (specify):

- 6 List the zip code of the place checked in 5 above (if you know):

- 7 Is your claim about an attorney-client fee dispute? ☐ Yes ☐ No

If yes, and if you have had arbitration, fill out form SC-101, attach it to this form, and check here: ☐

- 8 Are you suing a public entity? ☐ Yes ☐ No

If yes, you must file a written claim with the entity first. ☐ A claim was filed on (date):

If the public entity denies your claim or does not answer within the time allowed by law, you can file this form.

- 9 Have you filed more than 12 other small claims within the last 12 months in California?

☐ Yes ☐ No If yes, the filing fee for this case will be higher.

- 10 Is your claim for more than \$2,500? ☐ Yes ☐ No

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

- 11 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare, under penalty of perjury under California State law, that the information above and on any attachments to this form is true and correct.

Date: Plaintiff types or prints name here

Plaintiff signs here

Date: Second plaintiff types or prints name here

Second plaintiff signs here



Requests for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the trial. Contact the clerk's office for form MC-410, Request for Accommodations by Persons With Disabilities and Response. (Civ. Code, § 54.8.)

“Small claims court” is a special court where claims for \$10,000 or less are decided. Individuals, including “natural persons” and sole proprietors, may claim up to \$10,000. Corporations, partnerships, public entities, and other businesses are limited to claims of \$5,000. (See below for exceptions.)* The process is quick and cheap. The rules are simple and informal. You are the *defendant*—the person being sued. The person who is suing you is the *plaintiff*.

Do I need a lawyer? You may talk to a lawyer before or after the case. But you *may not* have a lawyer represent you in court (unless this is an appeal from a small claims case).

How do I get ready for court? You don’t have to file any papers before your trial, unless you think this is the wrong court for your case. But bring to your trial any witnesses, receipts, and evidence that supports your case. And read “Be Prepared for Your Trial” at www.courts.ca.gov/smallclaims/prepare.

What if I need an accommodation? If you have a disability or are hearing impaired, fill out form MC-410, *Request for Accommodations*. Give the form to your court clerk or the ADA/ Access Coordinator.

What if I don’t speak English well? Ask the court clerk as soon as possible if your court has a court-provided interpreter available and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness or an attorney to interpret for you or ask the court for a list of interpreters for hire.

Where can I get the court forms I need? Go to any courthouse or your county law library, or print forms at www.courts.ca.gov/smallclaims/forms.

What happens at the trial? The judge will listen to both sides. The judge may make a decision at your trial or mail the decision to you later.

What if I lose the case? If you lose, you *may* appeal. You’ll have to pay a fee. (Plaintiffs cannot appeal their own claims.)

- If you were at the trial, file form SC-140, *Notice of Appeal*. You must file within 30 days after the clerk hands or mails you the judge’s decision (judgment) on form SC-200 or form SC-130, *Notice of Entry of Judgment*.
- If you were *not* at the trial, fill out and file form SC-135, *Notice of Motion to Vacate Judgment and Declaration*, to ask the judge to cancel the judgment (decision). If the judge does not give you a new trial, you have 10 days to appeal the decision. File form SC-140.

For more information on appeals, see www.courts.ca.gov/smallclaims/appeals.

Do I have options?

Yes. If you are being sued, you can:

- **Settle your case before the trial.** If you and the plaintiff agree on how to settle the case, the plaintiff must file form CIV-110, *Request for Dismissal*, with the clerk. Ask the Small Claims Advisor for help.

- **Prove this is the wrong court.** Send a letter to the court *before* your trial explaining why you think this is the wrong court. Ask the court to dismiss the claim. You must serve (give) a copy of your letter (by mail or in person) to all parties. (Your letter to the court must say you have done so.)
- **Go to the trial and try to win your case.** Bring witnesses, receipts, and any evidence you need to prove your case. To have the court order a witness to go to the trial, fill out form SC-107 (*Small Claims Subpoena*) and have it served on the witness.
- **Sue the person who is suing you.** If you have a claim against the plaintiff, and the claim is appropriate for small claims court as described on this form, you may file *Defendant’s Claim* (form SC-120) and bring the claim in this action. If your claim is for *more* than allowed in small claims court, you may still file it in small claims court if you give up the amount over the small claims value amount, or you may file a claim for the full value of the claim in the appropriate court. If your claim is for more than allowed in small claims court *and* relates to the same contract, transaction, matter, or event that is the subject of the plaintiff’s claim, you may file your claim in the appropriate court and file a motion to transfer the plaintiff’s claim to that court to resolve both matters together. You can see a description of the amounts allowed in the paragraph above titled “Small claims court.”
- **Agree with the plaintiff’s claim and pay the money.** Or, if you can’t pay the money now, go to your trial and say you want to make payments.
- **Let the case “default.”** If you don’t settle and do not go to the trial (default), the judge may give the plaintiff what he or she is asking for plus court costs. If this happens, the plaintiff can legally take your money, wages, and property to pay the judgment.

What if I need more time?

You can change the trial date if:

- You cannot go to court on the scheduled date (you will have to pay a fee to postpone the trial), *or*
- You did not get served (receive this order to go to court) at least 15 days before the trial (or 20 days if you live outside the county), *or*
- You need more time to get an interpreter. One postponement is allowed, and you will not have to pay a fee to delay the trial.

Ask the Small Claims Clerk about the rules and fees for postponing a trial. Or fill out form SC-150 (or write a letter) and mail it to the court *and* to all other people listed on your court papers before the deadline. Enclose a check for your court fees, unless a fee waiver was granted.



Need help?

Your county’s Small Claims Advisor can help for free.

Or go to www.courts.ca.gov/smallclaims/advisor.

* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)



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Page 4 provides the *Information for the Defendant* section of the form in Spanish. Any changes to the English version will also be made to the Spanish version.

This information sheet is written for the person who sues in the small claims court. It explains some of the rules of, and some general information about, the small claims court. It may also be helpful for the person who is sued.

WHAT IS SMALL CLAIMS COURT?

Small claims court is a special court where disputes are resolved quickly and inexpensively. The rules are simple and informal. The person who sues is the **plaintiff**. The person who is sued is the **defendant**. In small claims court, you may ask a lawyer for advice before you go to court, but you cannot have a lawyer in court. Your claim cannot be for more than \$5,000 if you are a business or public entity or for more than \$10,000 if you are a natural person (including a sole proprietor). (See below for reference to exceptions. *) If you have a claim for more than this amount, you may sue in the civil division of the trial court or you may sue in the small claims court and give up your right to the amount over the limit. You cannot, however, file more than two cases in small claims court for more than \$2,500 each during a calendar year.

WHO CAN FILE A CLAIM?

1. You must be at least *18 years old* to file a claim. If you are not yet 18, tell the clerk. You may ask the court to appoint a **guardian ad litem**. This is a person who will act for you in the case. The guardian ad litem is usually a parent, a relative, or an adult friend.
 2. A person who sues in small claims court must first make a **demand**, if possible. This means that you have asked the defendant to pay, and the defendant has refused. If your claim is for possession of property, you must ask the defendant to give you the property.
 3. Unless you fall within two technical exceptions, you must be the **original owner** of the claim. This means that if the claim is assigned, the buyer cannot sue in the small claims court.
- You must also appear at the small claims hearing yourself unless you filed the claim for a corporation or other entity that is not a natural person.**
4. If a corporation files a claim, an employee, an officer, or a director must act on its behalf. If the claim is filed on behalf of an association or another entity that is not a natural person, a regularly employed person of the entity must act on its behalf. A person who appears on behalf of a corporation or another entity must not be employed or associated solely for the purpose of representing the corporation or other entity in the small claims court. **You must file a declaration with the court to appear in any of these instances.** (See *Authorization to Appear*, form SC-109.)

WHERE CAN YOU FILE YOUR CLAIM?

You must sue in the right court and location. This rule is called **venue**. Check the court's local rules if there is more than one court location in the county handling small claims cases. If you file your claim in the wrong court, the court will dismiss the claim unless all defendants personally appear at the hearing and agree that the claim may be heard. The right location may be any of these:

1. Where the defendant lives or where the business involved is located;
2. Where the damage or accident happened;
3. Where the contract was signed or carried out;
4. If the defendant is a corporation, where the contract was broken; or
5. For a retail installment account or sales contract or a motor vehicle finance sale:
 - a. Where the buyer lives;
 - b. Where the buyer lived when the contract was entered into;
 - c. Where the buyer signed the contract; or
 - d. Where the goods or vehicle are permanently kept.

SOME RULES ABOUT THE DEFENDANT (including government agencies)

1. You must sue using the defendant's *exact legal name*. If the defendant is a business or a corporation and you do not know the exact legal name, check with the state or local licensing agency, the county clerk's office, or the Office of the Secretary of State, Corporate Status Unit, at www.ss.ca.gov/business. Ask the clerk for help if you do not know how to find this information. If you do not use the defendant's exact legal name, the court may be able to correct the name on your claim at the hearing or after the judgment.
2. If you want to sue a government agency, you must first file a claim with the agency before you can file a lawsuit in court. Strict time limits apply. If you are in a Department of Corrections or Youth Authority facility, you must prove that the agency denied your claim. Please attach a copy of the denial to your claim.
3. With very limited exceptions, the defendant must be served within the state of California.

HOW DOES THE DEFENDANT FIND OUT ABOUT THE CLAIM?

You must make sure the defendant finds out about your lawsuit. This has to be done according to the rules or your case may be dismissed or delayed. The correct way of telling the defendant about the lawsuit is called **service of process**. This means giving the defendant a copy of the claim. **YOU CANNOT DO THIS YOURSELF.** You should read form SC-104B, *What is "Proof of Service"?* Here are four ways to serve the defendant:

1. **Service by a law officer**—You may ask the marshal or sheriff to serve the defendant. A fee will be charged.
2. **Process server**—You may ask anyone who is *not a party* in your case and who is at least *18 years old* to serve the defendant. The person is called a **process server** and must personally give a copy of your claim to the defendant. The person must also sign a proof of service form showing when the defendant was served. Registered process servers will serve papers for a fee. You may also ask a friend or relative to do it.
3. **Certified mail**—You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court before the hearing to see if the receipt for certified mail was returned to the court. **Service by certified mail must be done by the clerk's office except in motor vehicle accident cases involving out-of-state defendants.**
4. **Substituted service**—This method lets you serve another person instead of the defendant. You must follow the procedures carefully. You may also wish to use the marshal or sheriff or a registered process server.

* Exceptions: Different limits apply in an action against a defendant who is a guarantor. (See Code Civ. Proc., § 116.220(c).)

4. **Substituted service** (*continued*) A copy of your claim must be left at the defendant's business with the person in charge, **OR** at the defendant's home with a competent person who is at least 18 years old. The person who receives the claim must be told about its contents. Another copy must be mailed, first class postage prepaid, to the defendant at the address where the paper was left. The service is not complete until **10 days** after the copy is mailed.
5. **Timing and proof of service**—No matter which method of service you choose, the defendant must be served by a certain date, or the trial will be postponed. If the defendant lives in the county, service must be completed at least **15 days** before the trial date. This period is at least **20 days** if the defendant lives outside the county.

The person who serves the defendant must sign a court paper showing when the defendant was served. This paper is called a *Proof of Service* (form SC-104). It must be signed and returned to the court clerk as soon as the defendant has been served.

WHAT IF THE DEFENDANT ALSO HAS A CLAIM?

Sometimes the person who was sued (the **defendant**) will also have a claim against the person who filed the lawsuit (the **plaintiff**). This claim is called the *Defendant's Claim*. The defendant may file this claim in the same lawsuit. This helps to resolve all of the disagreements between the parties at the same time.

If the defendant decides to file the claim in the small claims court, the claim may not be for more than \$5,000, or \$10,000 if the defendant is a natural person (*see exceptions on page 1**). If the value of the claim is more than this amount, the defendant may either give up the amount over \$5,000 or \$10,000 and sue in the small claims court or **sue** in the appropriate court for the full value of the claim. If the defendant's claim relates to the same contract, transaction, matter, or event that is the subject of your claim and exceeds the value amount for small claims court, the defendant may file the claim in the appropriate court and file a motion to transfer your claim to that court to resolve both claims together.

The defendant's claim must be served on the plaintiff at least **five days** before the trial. If the defendant received the plaintiff's claim **10 days** or less before the trial, then the claim must be served at least **one day** before the trial. Both claims will be heard by the court at the same time.

WHAT HAPPENS AT THE TRIAL?

Be sure you are on time for the trial. The small claims trial is informal. You must bring with you all witnesses, books, receipts, and other papers or things to prove your case. You may ask the witnesses to come to court voluntarily, **or you may** ask the clerk to issue a **subpoena**. A subpoena is a court order that *requires* the witness to go to trial. The witness has a right to charge a fee for going to the trial. If you do not have the records or papers to prove your case, you may also get a court order before the trial date requiring the papers to be brought to the trial. This order is called a *Small Claims Subpoena and Declaration* (form SC-107).

If you settle the case before the trial, you must file a **dismissal** form with the clerk.

The court's decision is usually mailed to you after the trial. It may also be hand delivered to you when the trial is over and after the judge has made a decision. The decision appears on a form called the *Notice of Entry of Judgment* (form SC-130 or SC-200).

WHAT HAPPENS AFTER JUDGMENT?

The court may have ordered one party to pay money to the other party. The party who wins the case and **is owed** the money is called the **judgment creditor**. The party who loses the case and owes the money is called the **judgment debtor**. Enforcement of the judgment is **postponed** until the time for appeal ends or until the appeal is decided. This means that the judgment creditor cannot collect any money or take any action until this period is over. Generally both parties may be represented by lawyers after judgment. More information about your rights after judgment is available on the back of the *Notice of Entry of Judgment*. The clerk may also have this information on a separate sheet.

HOW TO GET HELP WITH YOUR CASE

1. **Lawyers**—Both parties may ask a lawyer about the case, but a lawyer may not represent either party in court at the small claims trial. Generally, after judgment and on appeal, both parties may be represented by lawyers.
2. **Interpreters**—If you do not speak English well, **ask the court clerk as soon as possible if your court has a court-provided interpreter available and how to request one.** A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness or an attorney to interpret for you or ask the court for a list of interpreters for hire.
3. **Waiver of fees**—The court charges fees for some of its procedures. Fees are also charged for serving the defendant with the claim. The court may excuse you from paying these fees if you cannot afford them. Ask the clerk for the *Information Sheet on Waiver of Superior Court Fees and Costs* (form FW-001-INFO) to find out if you meet the requirements so that you do not have to pay the fees.
4. **Night and Saturday court**—If you cannot go to court during working hours, ask the clerk if the court has trials at **night** or on **Saturdays**.
5. **Parties who are in jail**—If you are in jail, the court may excuse you from going to the trial. Instead, you may ask another person who is not an attorney to go to the trial for you. You may mail written declarations to the court to support your case.
6. **Accommodations**—If you have a disability and need assistance, immediately ask the court to help accommodate your needs. If you are hearing impaired and need assistance, notify the court immediately.
7. **Forms**—You can get small claims forms and more information at the California Courts Self-Help Center website (www.courts.ca.gov/smallclaims), your county law library, or the courthouse nearest you.
8. **Small claims advisors**—The law requires each county to provide assistance in small claims cases free of charge. (*Small claims advisor information*):

☐ This form is attached to form SC-100, item 1 or 2.

1 If more than two plaintiffs (person, business, or entity suing), list their information below:

Other plaintiff's name: _____

Street address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form SC-103.

Other plaintiff's name: _____

Street address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

Is this plaintiff doing business under a fictitious name? ☐ Yes ☐ No If yes, attach form SC-103.

☐ Check here if more than 4 plaintiffs and fill out and attach another form SC-100A.

2 If more than one defendant (person, business, or entity being sued), list their information below:

Other defendant's name: _____

Street address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Mailing address (if different): _____

City: _____ State: _____ Zip: _____

If this defendant is a corporation, limited liability company, or public entity, list the person or agent authorized for service of process:

Name: _____ Job title, if known: _____

Address: _____

City: _____ State: _____ Zip: _____

☐ Check here if your case is against more than two defendants, and fill out and attach another form SC-100A.

3 Is your claim for more than \$2,500? ☐ Yes ☐ No

If yes, I have not filed, and understand that I cannot file, more than two small claims cases for more than \$2,500 in California during this calendar year.

4 I understand that by filing a claim in small claims court, I have no right to appeal this claim.

I declare under penalty of perjury under California state law that the information above and on any attachments to this form is true and correct.

Date: _____

Type or print your name _____

Date: _____

Type or print your name _____

Sign your name _____

Sign your name _____

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
1.	Hon. Christine Copeland Commissioner Superior Court of Santa Clara County	AM	<p>The proposal does adequately address the problems discussed; as to adding a page to allow for additional Defendants, I think the form could just prompt someone to add an additional page to add an additional Defendant(s).</p> <p>Prompting small claims litigants to ask a clerk for an interpreter will be futile in our court, and I suspect is the same for other courts. Plus, we are already operating with a bare bones staff in small claims due to budgetary constraints, while at the same time implementing Tyler/Odyssey, so instructing litigants to ask clerks about interpreters will add unnecessary time challenges to our overworked clerks.</p> <p>Now as for specific comments as to form revisions:</p> <p>1. SC-100 item 1, 2nd check box down: Plaintiffs need MORE direct prompting b/c they always skip over this and cause me or my clerk to devote a lot of our time trying to figure out Plaintiff's actual name and status: it could be made more clear that if Plaintiff is a "DBA" corporation or LLC, it MUST attach SC-103. Currently, no one attaches the SC-103.</p> <p>2. SC-100 item 2 re: who should be served for a Defendant business: a Plaintiff may not know "job title" and shouldn't be required to know. If it's a corp or LLC, then we should ask Plaintiff</p>	<p>The committee thanks the commentator for her responses and notes her general agreement with the proposal if modified. A number of the suggested modifications have been made.</p> <p>The committee appreciates this feedback and is aware of concerns around instructing litigants to ask about the availability of an interpreter. The committee has modified the proposed language regarding requesting an interpreter.</p> <p>The committee appreciates this input. A number of issues pertaining to parties that are business entities have been raised and will be considered together by the committee at a future time.</p> <p>The committee appreciates this feedback, and has modified the item to request a job title, "if known" and to specify that an agent should be identified for defendants that are corporations and limited</p>

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			<p>to list name and address for agent for service.</p> <p>3. SC-100 item 4- small claims court lacks injunctive relief unless there is a specific statute authorizing such, so I wouldn't put the "ask for your property back first" blurb proposed.</p> <p>4. SC-100 item 7- I know this will turn the form into an additional page, but if it becomes such anyway based on other comments, then attorneys filing should be prompted here to ATTACH PROOF that their former client/Defendant was served with the State Bar mandated notice of arbitration at least 30 days prior to the small claims action being filed. It is shocking how many attorneys file in small claims for uncollected fees and don't know about the arbitration notice requirement.</p> <p>5. SC-100 page 4 "What if I don't speak English well" - based on a lot of prior experience, we should instruct that the interpreter should not be an attorney and it should be someone neutral. I have A LOT of personal injury/auto collision cases where Plaintiff brings an attorney or paralegal from the PI law firm to interpret for them.</p> <p>SC-100 INFO - At the bottom left of the page under item 2 "process server"- SRLs don't understand what "personally give" means. They think leaving papers on the porch or under the window wipers on the car is "personal giving."</p>	<p>liability companies.</p> <p>The committee notes the suggestion and has decided to keep the proposed language. (See §§ 116.220(a)(5), 116.320(b).)</p> <p>The committee notes this suggestion and will retain it to consider at a future time.</p> <p>The committee agrees with advising that the interpreter should not be an attorney and has made the change. (See § 116.550.)</p> <p>Revising the section regarding service would be a substantive change that is beyond the scope of the proposal. The suggestion will be retained for future consideration.</p>

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			So it would be good to be clear: “put papers in Defendant's hands”, or “hand papers to Defendant” or “it doesn't count as service if you just have papers left at Defendant's door or on their windshield.”	
2.	Orange County Bar Association by Todd G. Friedland, President	AM	<p>The OCBA believes that generally the proposal appropriately addresses its stated purposes provided the following changes are made:</p> <p>(1) statistics from the Court (or advice) should be provided as to whether it is more common to have either more than one Plaintiff or more than one Defendant so the form contains the most applicable option; some members of the OCBA believe that the form should be modified to delete one extra Plaintiff and include more than one Defendant because such is more prevalent;</p> <p>(2) paragraph 3 of Form SC-100 only allows for recovery of money and should be modified to allow for the non-monetary options of C.C.P. §116.220; and</p> <p>(3) the language of Form SC-100 at paragraph 2 and Form SC-100–INFO concerning “Rules about the Defendant” are confusing and misleading since only LLC’s, corporations, LLP’s, and certain other “entities” are required to have agents for service; a business sole proprietorship or partnership for instance does not require an agent.</p>	<p>The committee thanks for the commentator for these responses and notes the commentator’s general agreement with the proposal if modified.</p> <p>The committee appreciates this feedback on its question. The committee has decided not to modify the proposed revisions at this time, but will reconsider this issue in the future if indicated.</p> <p>The committee notes this suggestion and will retain it for consideration in the near future. It is outside the scope of the current proposal.</p> <p>The committee appreciates this feedback, and has modified the item to specify that an agent should be identified for defendants that are corporations, limited liability companies, and public entities.</p>

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			The forms should not be increased by another page and use of form SC-100A limited to one page appears prudent.	The committee appreciates the response to this question.
3.	State Bar of California's Standing Committee on the Delivery of Legal Services by Phong S. Wong, chair	A	<p>Does the proposal appropriately address the stated purpose?</p> <p>Yes. The previous form was not consistent with current law and was potentially misleading as to whether the litigant had to file a request for an interpreter at least five days in advance. The changes in this form are an incremental, but necessary step, in the right direction.</p> <p>Should either or both form SC-100 or form SC-100A be made a page longer in order to allow space for an additional defendant name and address to be included on the forms? See discussion at footnotes 2 and 3.</p> <p>SCDLS has no strong feelings, so the forms as currently proposed seem appropriate.</p>	The committee appreciates this feedback and notes the commentator's agreement with the proposal.
	Superior Court of Los Angeles County	AM	<p>Suggested modifications: Form SC-100</p> <p>We suggest that form SC-100 remain at its current length of 5 pages. Otherwise, plaintiffs who currently name only one defendant would have to file a 6-page form unnecessarily.</p> <p>Under "What if I don't speak English well?" The current language creates an expectation that the court will provide an interpreter and this is problematic for the court and misleading to our</p>	<p>The committee thanks for commentator for its suggestions and notes its agreement with the proposal if modified. The committee agrees with the suggestion to keep the form at five pages.</p> <p>The committee acknowledges the commentator's concerns with the revised language of this section and has considered a number of options. With modifications, the committee has accepted the</p>

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			<p>customers. Unfortunately, not all courts have interpreters available in Small Claims at this time, and those that do, cannot provide one in every case. In addition, some courts have an automated request system in place, and this would be a good place to inform customers of its availability. We request that individual courts be allowed to insert their own local court procedure into this section.</p> <p>If this is not possible, at least change the section to read:</p> <p>“Ask the court clerk if your court has a court-provided interpreter and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness to interpret for you or ask the court for a list of interpreters for hire.”</p> <p>SC-100 INFO, under “How Does the Defendant Find Out About the Claim?” Number 3 currently states: “Certified Mail – You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court before the hearing to see if the receipt for certified mail was returned by the court. Service by certified mail must be done by the clerk’s office except in motor vehicle accident cases involving out of state defendants.”</p>	<p>commentator’s alternative proposed language. (“Ask the court clerk <u>as soon as possible</u> if your court has a court-provided interpreter <u>available</u> and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness <u>or an attorney</u> to interpret for you or ask the court for a list of interpreters for hire.”)</p> <p>The committee thanks the commentator for this suggestion and will retain it for future consideration.</p>

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			<p>CCP 116.340 (1) states that, "The clerk may cause a copy of the claim and order to be mailed to the defendant by any form of mail providing for a return receipt." (Emphasis added.) The use of "must" in the last sentence implies incorrectly that the clerk must provide this service.</p> <p>We suggest changing this to: "Certified Mail - You cannot serve by certified mail except in motor vehicle accidents involving out of state defendants. In some jurisdictions, the court may perform this mailing for a fee. If you do ask the clerk to serve by certified mail, you should check back with the court before the hearing to see if the receipt for certified mail was returned to the court."</p>	
	Superior Court of Riverside County by Marita Ford, Senior Management Analyst	N/I	<p>Form SC-100 should be made a page longer to provide more room for additional named defendants.</p> <p>Another suggestion would be include on all Judicial Council forms an area that the litigant must identify if they need an interpreter with a 'yes' or 'no' box under their name and address. This would provide advance notice to the court of the possible need for an interpreter.</p>	<p>The committee thanks the commentator for this feedback. The committee has decided not to make the form a page longer at this time, but will reconsider this issue in the future if indicated.</p> <p>In light of action by the Language Access Plan Implementation Task Force, the committee has deferred action on this issue and will consider it in the future if appropriate.</p>
	Superior Court of San Diego County by Michael M. Roddy	AM	Q: Should either or both form SC-100 or form SC-100A be made a page longer in order to allow space for an additional defendant name and address to be included on the forms? Yes, the vast majority of small claims cases involve	The committee appreciates the commentator's responses to the questions presented, and notes its agreement with the proposal if modified. The committee has decided not to make the form a page longer at this time, but will reconsider this

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

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	Commentator	Position	Comment	DRAFT Committee Response
			<p>more than one defendant.</p> <p>Q: Would the proposal provide cost savings? No. It will actually increase staffing costs because more staff time will be needed to explain & work with parties who are filing the forms.</p> <p>Q: What are implementations requirements for courts? Updating case management systems with updated forms & testing those changes. Updating training materials and training effected staff.</p> <p>Q: Would two months from JC approval of this proposal until its effective date provide sufficient time for implementation? Unsure. Our forms are loaded into our CCMS system and it will take several months for our IT staff to have the time to upload, test and implement them.</p> <p>Q: How well would this proposal work in courts of different sizes? It seems like the larger the court, the more staff & public would be effected, thereby increasing implementation costs.</p> <p>SC-100 Comments: Re: Item 2: It is more likely that a claim will contain multiple defendants, then the plaintiff will know and/or complete the person authorized for service for a business/entity.</p>	<p>issue in the future if indicated.</p> <p>The committee acknowledges that there may be some initial implementation requirements, but is confident that, in the long run, the revised forms will reduce costs by clarifying the law for litigants.</p> <p>The committee thanks the commentator for taking the time to explain its implementation issues.</p> <p>The committee thanks the commentator for taking the time to explain its position regarding implementation timing.</p> <p>The committee thanks the commentator for opining on this issue.</p> <p>The committee appreciates this feedback on its question. The committee has decided not to modify the proposed revisions at this time, but will reconsider this issue in the future if indicated.</p>

SPR16-08

Small Claims: Plaintiff's Claim and Information Forms (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			<p>Propose moving and incorporating language in item 10 re: \$2,500 into item 3. Including the information in the item where the plaintiff indicates the amount he or she is seeking seems clearer.</p> <p>Changes to some of the forms should be effective sooner than January 1, 2017, as currently proposed. For example, the current version of the SC-100 INFO form says there may be a fee for using a court interpreter, which is no longer allowed; therefore, the changes should go into effect sooner (e.g., July 1, 2016) rather than later (January 1, 2017).</p>	<p>The committee thanks the commentator and has considered this suggestion. The committee decided the placement of item 10 will remain unchanged as it highlights this statutory requirement.</p> <p>The committee appreciates this comment and that the law regarding charging for a court interpreter has already changed. However, the committee is not able to alter the time frame for the revised forms to take effect.</p>
	Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee Joint Rules Subcommittee	AM	<p>Form SC-100</p> <p>We suggest that form SC-100 remain at its current length of 5 pages. Otherwise, plaintiffs who currently name only one defendant would have to file a 6-page form unnecessarily.</p> <p>Under “What if I don’t speak English well?” The current language creates an expectation that the court will provide an interpreter and this is problematic for the court and misleading to our customers. Unfortunately, not all courts have interpreters available in Small Claims at this time, and those that do, cannot provide one in every case. In addition, some courts have an automated request system in place, and this would be a good place to inform customers of its availability. We request that individual courts be allowed to insert their own local court procedure into this section.</p>	<p>The committee thanks for commentator for its suggestions and notes its agreement with the proposal if modified. The committee agrees with the suggestion to keep the form at five pages.</p> <p>The committee acknowledges the commentator’s concerns with the revised language of this section and has considered a number of options. With modifications, the committee has accepted the commentator’s alternative proposed language. (“Ask the court clerk <u>as soon as possible</u> if your court has a court-provided interpreter <u>available</u> and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness <u>or an attorney</u> to interpret for you or ask the court for a list of interpreters for hire.”)</p>

SPR16-08**Small Claims: Plaintiff's Claim and Information Forms** (revise forms SC-100, SC-100-INFO and SC- 100A)

All comments are verbatim unless indicated by an asterisk (*).

	Commentator	Position	Comment	DRAFT Committee Response
			<p>If this is not possible, at least change the section to read:</p> <p>“Ask the court clerk if your court has a court-provided interpreter and how to request one. A court-provided interpreter may not be available. Alternatively, you may bring an adult who is not a witness to interpret for you or ask the court for a list of interpreters for hire.”</p> <p>SC-100 INFO, under “How Does the Defendant Find Out About the Claim?”</p> <p>Number 3 currently states:</p> <p>“Certified Mail – You may ask the clerk of the court to serve the defendant by certified mail. The clerk will charge a fee. You should check back with the court before the hearing to see if the receipt for certified mail was returned by the court. Service by certified mail must be done by the clerk’s office except in motor vehicle accident cases involving out of state defendants.”</p> <p>CCP 116.340 (1) states that, “The clerk may cause a copy of the claim and order to be mailed to the defendant by any form of mail providing for a return receipt.” The use of “must” in the last sentence implies that the clerk must provide this service. We suggest changing the last sentence to, “Service by certified mail may not be done by you except in motor vehicle accident cases involving out of state defendants.”</p>	<p>The committee thanks the commentator for this suggestion and will retain it for future consideration.</p>