



Judicial Council of California

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Subject Details (With Text)

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Title: Small Claims: Plaintiff's Claim and Information Forms (Action Required)

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Date	Ver.	Action By	Action	Result
10/28/2016	1	Judicial Council	approved	Pass

Title
Small Claims: Plaintiff's Claim and Information Forms (Action Required)

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:
 - a. 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.;
 - b. 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;
 - c. Add a demand for the return of property, with demand language that conforms to Code of Civil Procedure section 116.320, subdivision (b);
 - d. 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);
 - e. 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;
 - f. More accurately state the time for filing a notice of appeal;
 - g. Clarify that, in the event of settlement, the plaintiff and only the plaintiff must file a request for dismissal with the clerk; and
 - h. More accurately state the law regarding a defendant's claim, including jurisdictional limits and transferability;

3. Further revise form SC-100-INFO to:
 - a. 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);
 - b. 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
 - c. 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.