



DOING YOUR OWN SMALL CLAIMS CASE

Putting the Pieces Together

Written by SUSAN Y. HESSEE, Staff Attorney

Juris Doctor, 1982.

Research, screenshots and formatting by Beckee Bachman, Office Manager

M.A. Applied Linguistics-TESOL, 1988.

STUDENT LEGAL SERVICE

324 Illini Union

www.odos.illinois.edu/sls

Doing Your Own Small Claims Case

The information in “Doing Your Own Small Claims Case” was compiled to Student Legal Service Staff Attorneys. Our goal is to make the Small Claims system accessible to University of Illinois Students.

This guide is focused on the system in Champaign County. There are variations throughout the State of Illinois.

Before filing a small claims case, always ask yourself, “What does winning my case look like?” Keep asking yourself the question as you proceed through this powerpoint.



Filing a Small Claims Case

1. Visit the Champaign County Circuit Clerk's website, www.cccircuitclerk.com



The screenshot shows the homepage of the Champaign County Circuit Clerk's website. At the top left is a portrait of Katie M. Blakeman, the Circuit Clerk. To her right is her name and title, "Katie M. Blakeman, Champaign County Circuit Clerk", and the official seal of the County of Champaign, Illinois, established in 1835. A navigation menu on the left lists: Abandoned Money, General Information, Forms, Calendars, Passport Information, Contact Us, Jury Website, and Home. The main content area features a "Welcome!" message, a statement of honor to serve citizens, and a disclaimer. Two buttons are present: "Public Access To Court Records" and "Pay your Court Costs", both with "Here" links. A photograph of the county courthouse building is shown at the bottom right.



Filing a Small Claims Case *continued*

A. Select the option “Forms” on the left,

www.cccircuitclerk.com/formsci.asp



The screenshot displays the website for Katie M. Blakeman, Champaign County Circuit Clerk. The page features a navigation menu on the left with categories such as Civil Division, Criminal Division, and Small Claims Division. The main content area is titled 'Civil Division Forms' and lists various legal forms available for download, including Certification of Judgment Balance, Child Support Data Sheet, and various motions and orders.

Katie M. Blakeman
Champaign County Circuit Clerk

SEAL OF THE COUNTY OF CHAMPAIGN, ILLINOIS
FEBRUARY 20, 1833

Civil Division Forms

- Certification of Judgment Balance
- Child Support Data Sheet
- Citation and Certification
- Complaint
- Entry of Appearance
- Financial Affidavit
- Joint Simplified Dissolution Packet
- Memorandum of Judgment
- Motion to Claim Exemption under Wage Deduction
- Motion to Dismiss
- Motion to Remove Case from Call and/or Other Relief
- Motion to Set Aside Default Judgment
- Name Change Packet for Adults
- Name Change Packet for Children
- Notice of Hearing
- Notice of Hearing On Petition for Turnover of Surplus Funds
- Order/Notice to Withhold Income for Child Support
- Order of Protection Service Info
- Payment Order
- Petition for Turnover of Surplus Funds
- Record Search Request
- Rule to Show Cause Packet
- Satisfaction of Judgment
- Stipulation for Termination of Child Support Obligation
- Subpoena
- Summons Illinois Marriage / Dissolution of Marriage
- Summons - Specific Day
- Summons - 30 Day
- Uniform Order for Support
- Wage Deduction Order
- Wage Deduction Summons / Notice / Affidavit (Packet)



Filing a Small Claims Case *continued*

B. Select the option “Small Claims Division,

www.cccircuitclerk.com/formssc.asp#



The screenshot shows the website for Katie M. Blakeman, Champaign County Circuit Clerk. The page features a navigation menu on the left with categories such as Civil Division, Criminal Division, Expungment Packets, Foreclosure Mediation, Miscellaneous, Order of Protection, Passport, Probate Division, Self-Representation, Small Claims Division, Support Division, Traffic Division, Waiver of Court Fees, and Home. The main content area is titled "Small Claims Forms" and lists various legal forms available for download, including Certification of Judgment Balance, Citation and Certification, Complaint, Memorandum of Judgment, Motion to Claim Exemption under Wage Deduction, Motion to Dismiss, Motion to Set Aside Default Judgment, Notice of Hearing, Payment Order, Rule to Show Cause Packet, Satisfaction of Judgment or Dismissal of Cause of Action, Small Claims / Civil Pamphlets (A Citizen's Guide), Summons - Specific Day, Your Rights after a Small Claims Judgment, and Wage Deduction Summons / Notice / Affidavit (Packet). The page also includes a portrait of the clerk and the official seal of the County of Champaign, Illinois, established in 1833.



Filing a Small Claims Case *continued*

C. Download the pdfs of “Complaint”, “Summons-Specific Day”, and “Small Claims/Civil Pamphlets (A Citizen’s Guide)”.

Katie M. Blakeman
Champaign County Circuit Clerk

SEAL OF THE COUNTY OF CHAMPAIGN ILLINOIS
FEBRUARY 20, 1833

Small Claims Forms

- Civil Division
- Criminal Division
- Expungment Packets
- Foreclosure Mediation
- Miscellaneous
- Order of Protection
- Passport
- Probate Division
- Self-Representation
- Small Claims Division
- Support Division
- Traffic Division
- Waiver of Court Fees
- Home

Certification of Judgment Balance
Citation and Certification
Complaint
Memorandum of Judgment
Motion to Claim Exemption under Wage Deduction
Motion to Dismiss
Motion to Set Aside Default Judgment
Notice of Hearing
Payment Order
Rule to Show Cause Packet
Satisfaction of Judgment or Dismissal of Cause of Action
Small Claims / Civil Pamphlets (A Citizen's Guide)
Summons - Specific Day
Your Rights after a Small Claims Judgment
Wage Deduction Summons / Notice / Affidavit (Packet)

Katie M. Blakeman
Champaign County Circuit Clerk

SEAL OF THE COUNTY OF CHAMPAIGN ILLINOIS
FEBRUARY 20, 1833

Small Claims Forms

- Civil Division
- Criminal Division
- Expungment Packets
- Foreclosure Mediation
- Miscellaneous
- Order of Protection
- Passport
- Probate Division
- Self-Representation
- Small Claims Division
- Support Division
- Traffic Division
- Waiver of Court Fees
- Home

Certification of Judgment Balance
Citation and Certification
Complaint
Memorandum of Judgment
Motion to Claim Exemption under Wage Deduction
Motion to Dismiss
Motion to Set Aside Default Judgment
Notice of Hearing
Payment Order
Rule to Show Cause Packet
Satisfaction of Judgment or Dismissal of Cause of Action
Small Claims / Civil Pamphlets (A Citizen's Guide)
Summons - Specific Day
Your Rights after a Small Claims Judgment
Wage Deduction Summons / Notice / Affidavit (Packet)

Katie M. Blakeman
Champaign County Circuit Clerk

SEAL OF THE COUNTY OF CHAMPAIGN ILLINOIS
FEBRUARY 20, 1833

Small Claims Forms

- Civil Division
- Criminal Division
- Expungment Packets
- Foreclosure Mediation
- Miscellaneous
- Order of Protection
- Passport
- Probate Division
- Self-Representation
- Small Claims Division
- Support Division
- Traffic Division
- Waiver of Court Fees
- Home

Certification of Judgment Balance
Citation and Certification
Complaint
Memorandum of Judgment
Motion to Claim Exemption under Wage Deduction
Motion to Dismiss
Motion to Set Aside Default Judgment
Notice of Hearing
Payment Order
Rule to Show Cause Packet
Satisfaction of Judgment or Dismissal of Cause of Action
Small Claims / Civil Pamphlets (A Citizen's Guide)
Summons - Specific Day
Your Rights after a Small Claims Judgment
Wage Deduction Summons / Notice / Affidavit (Packet)



Filing a Small Claims Case *continued*

D. Read the Guide to help you in filling out the Complaint and Summons-Specific Day forms.

- (1) Be as specific as possible in explaining the situation and the reason(s) you are suing the defendant in the Complaint.
- (2) State specifically what you want from the defendant.
- (3) You must know where the defendant is currently living or working in order to have the summons and the complaint *served** on the defendant. **Official, legal delivery of court documents.*
- (4) Add the words “plus costs” to the field where you enter “Amount Claimed” so that, if you win your case, the defendant will have to pay you back for the cost of filing the Complaint and the fee for the Sheriff to serve the Summons.

For example: *Amount Claimed: \$497.13 plus costs*



Filing a Small Claims Case *continued*

- E. Attach copies of your documentation to each copy of the complaint.
- (1) You need at least 3 copies:
 - (a) The original for the Court,
 - (b) One copy to serve the defendant, and
 - (c) One copy for your records. Don't skip this one!
 - (2) The documentation could be the lease you both signed, a contract between you, a bill of sale or receipt of purchase, a letter, etc.
- F. Determine how much you have to pay to file the complaint, <http://www.cccircuitclerk.com/feesched.pdf> .
- The fee to file your complaint depends on the dollar value, whether money or the value of something, you are claiming that the defendant owes you.



Serving the Defendant

1. In Illinois, the County Sheriff *serves process* (gives the summons and complaint to the defendant).

If the Defendant lives or works in Champaign County, after you file the Complaint with the Champaign County Clerk, you take a copy of the stamped Complaint and two copies of the Summons to the Champaign County Sheriff, across the street from the Courthouse, 204 East Main Street.

- A. There is also a fee for the Sheriff to serve the papers. Current fees as of October, 2015, for nearby cities and towns are:

| City/Town | Fee | City/Town | Fee |
|-----------|---------|-----------|---------|
| Champaign | \$41.00 | Tolono | \$49.00 |
| Urbana | \$39.00 | Rantoul | \$52.00 |
| Savoy | \$44.00 | Mahomet | \$51.00 |

Fees to serve in other cities in Champaign County vary from \$47.00 to \$66.00. Contact the Sheriff's Office at 217-384-1204 for a specific city.



Serving the Defendant

continued

2. If the Defendant lives/works in a different county in Illinois, you will have to mail the documents to the Sheriff of that county. You can search for what county a city is in here:

quickfacts.census.gov/cgi-bin/qfd/lookup.

- A. Once you know the Count name, you can find the Sheriff of that county here: www.ilsheriff.org/index.php/directory. The website for a County Sheriff should give you the requirements they have for “Service of Process”, usually two Summonses and one Complaint; their fee for service; what form the fee has to be, usually a money order and not a personal check; and a self-addressed, stamped envelope to send back to you the results of their attempts to serve the defendant.



Serving the Defendant

continued

B. It is a good idea to include a cover letter to the Sheriff; here is a sample.

Sample Letter to a Sheriff

(Date)

Sheriff of ___ County
Address
City, State Zip Code

RE: (you) vs. (Defendant)
Champaign County, IL (Case Number)

Dear Sheriff of ___ County,

Enclosed are (X) copies of Summons and a copy of the Complaint filed in Champaign County, IL. I have also enclosed a money order in the amount of \$(XX.00) as your fee for service of process, and a stamped, self-addressed envelope for return of service.

Thank you.

Sincerely,

← (your signature here)

(Your Name, Printed/typed)
(Your Address)
(Your City, State, Zip)
(Your Phone Number)

C. Go to a Post Office with the Summonses, Complaint, Cover letter, and return envelope.

- (1) You can buy a money order here to send with the documents as the Sheriff's service fee.
- (2) You can also buy a flat envelope to send everything to the Sheriff, the postage to send it and an envelope for the Sheriff to return to you with postage attached. Be sure to add enough postage in case everything gets returned to you.



Serving the Defendant

continued

3. The Sheriff will attempt to serve the defendant at least twice. If they are unable to locate the defendant, they will mail everything, except your money, back to you. This is why you must put enough postage on the return envelope: in case the Sheriff is unable to serve the Defendant.
 - A. If this happens, you will have to file another Summons with the Champaign County Clerk's office to try to serve the defendant.
 - (1) Add the word, "Alias", to the Summons so that the title in the middle now says, "Alias Summons".
 - (2) If too much time has passed, the Clerk may assign a new court date and time.



Serving the Defendant

continued

- B. Try to find a different address for the defendant:
 - (1) Work address and general work schedule,
 - (2) Another home address if the defendant has moved from the last place you knew they lived, or
 - (3) If you have a good idea when the defendant would be at home, generally, you can include this on the Alias Summons to give the Sheriff a better chance to find the defendant.

- C. You will have to pay the Sheriff again, following the same procedure above with sending copies of the Alias Summons and Complaint, self-addressed, stamped envelope and fee payment.



The Court Process

1. The First Court Date

A. What Happens

- (1) You must appear at the date, time and place scheduled for the first appearance. If you do not, your case will be dismissed.
- (2) If the defendant appears, s/he may admit or deny the debt.
- (3) If the defendant admits, then judgment is entered in your favor.
- (4) If the defendant does not show up, judgment is entered in your favor.

B. What Does Not Happen

- (1) If the defendant appears and denies liability for the debt, no judgment is entered, and the case is given a new court date for a pre-trial hearing.
- (2) A trial never happens when you go to the first court date.

The Court Process

continued

2. The Pretrial

A. What Happens

- (1) As with the first court date, you, as plaintiff, must appear or your case will be dismissed.
- (2) If the defendant does not appear or appears and admits liability, judgment in your favor is entered.
- (3) If the defendant appears and denies liability, the case will be set for trial at a later date.

B. What You Need to Have

- (1) At all pretrial court dates, you do not need to bring any documents or witnesses; the court will not accept evidence at these times.



The Court Process

continued

3. The Trial Date

A. What Happens

- (1) The judge calls your case. As a plaintiff, you speak first.
- (2) Generally, the judge will ask you to describe the facts behind your lawsuit.
- (3) S/He may ask you questions.
- (4) You may also present any evidence you have, such as documents and witnesses.
- (5) Once you have presented your side of the story, it is the defendant's turn.



The Court Process

continued

B. What You Need to Have With You

- (1) Any and all documents that pertain to your case.
 - (a) Be aware that any documents not prepared or signed by you or the defendant **MUST** be accompanied by the person who prepared them in order to be admitted.
 - (b) A witness cannot write a statement to the court; s/he must testify in person.



After Trial or Settlement Without Trial

At the conclusion of the case, whether you get a judgment because the defendant did not show up after being served, or you settle with the defendant before a trial happens, you are not finished yet!

You must file another document. These are available for download on the same Small Claims Forms website where the Summons and Complaint were downloaded:

www.cccircuitclerk.com/formsci.asp

After Trial or Settlement Without Trial *continued*

A. Form: *Satisfaction of Judgment or Dismissal of Cause of Action*

(1) Satisfaction of Judgment

- a. This part of the form must be filled out and filed by you if
 - you obtain a judgment, and
 - the Defendant pays it in full.
- b. Failure to file this form may subject you to damages if the defendant suffers any financial loss as a result.

(2) Dismissal of Cause of Action

- a. If your case gets resolved prior to trial, then you, as plaintiff, must file a Motion to Dismiss.
- b. Failure to do so may subject you to damages if the defendant suffers any financial loss as a result.

After Trial or Settlement Without Trial *continued*

B. Form: *Memorandum of Judgment*

- (1) This is a form that must be filed by you once you have obtained a judgment.
- (2) It can be useful in trying to collect that judgment

C. Form: *Certification of Judgment Balance*

- (1) The Circuit Clerk can certify the judgment for you on your request.
- (2) This can aid in collecting the judgment as well.

Some Things to Think About Before Entering This Process

1. It takes a lot of time and effort to go through this entire process. Be sure the amount you are claiming is worth it.
2. Even if you win, you may never get repaid.
 - (1) Many students do not have sufficient income to pay debts, and
 - (2) they can move away without your knowing where they go before or after they graduate.



STUDENT LEGAL SERVICE

324 Illini Union / 1401 W Green St., Urbana

www.odos.illinois.edu/sls

studentlegalservice@illinois.edu | facebook.com/illinois.sls

A Unit of the Office of the Dean of Students.

Student Affairs at Illinois.