

## Small Claims – Information for Defendant

You have been sued. The person who sued you is the Plaintiff, you are the Defendant.

**Do you agree that you owe the money or the property belongs to the Plaintiff?**

**Disagree**

- **You must file an *Answer* with the court within 21 days** of receiving the *Claim*. The clerk will schedule a hearing where you can present your side of the case.

**Agree**

- **You do not have to file an *Answer*.**
- Pay the claim or return the property immediately.
- The Plaintiff can ask for a *\*Default Judgment* if no *Answer* is filed, and then ask the Sheriff to collect or recover property.

**\*Default Judgment:** The court can grant the Plaintiff everything in the *Claim* plus case costs if you Defendant do not file an *Answer* by the deadline.

**Fill out and file the forms.**

① **To file an *Answer*, choose one of the following options:**



**A. Complete & File Forms Online using Guide & File:**

**Guide & File** is an easy to use online tool that prepares your forms and allows you to e-file your forms online, go to:

<http://guideandfile.idaho.gov>.

**B. E-File using File & Serve:**

Alternatively, you can e-file using **File & Serve**; this may be easier if you routinely file a large volume of small claims cases. You can find it online here: <https://idaho.tylertech.cloud/OfsWeb/>.

If you are a **business** filing the claim in a county where e-filing is available, you **must e-file** your documents. or

**C. Print and File in Person:**

To print and fill out your forms go to: [www.courtselfhelp.idaho.gov/small-claims](http://www.courtselfhelp.idaho.gov/small-claims) or pick up a copy at your local courthouse. Sign and date the completed forms. Make at least two copies: 1 for you and 1 for each Plaintiff, and take them to the court where the Claim was filed.

② **Attend the hearing.**

The court clerk will schedule a trial in your case and send you and the Plaintiff a notice with the date and time. If you do not attend, the judge may grant the Plaintiff a *Default Judgment*, the same as if you hadn't filed an *Answer*. For more information on what to expect in court see *Get Ready for Your Small Claims Trial - Defendant*.

# Small Claims



## **What if the Plaintiff owes me money or has my property?**

To ask the judge to order the Plaintiff to return your money or property, you must file your own *Claim*.

## **Can the Plaintiff and I resolve the case?**

Yes, you and the Plaintiff can try to settle the case at any time before the court enters a judgment.

If you reach an agreement it must be explained to the court so that the case can be dismissed or a judgment issued that says what you agreed on.

## **Can a lawyer represent me?**

You cannot have a lawyer speak for you in small claims, but you can talk to a lawyer before and after your trial. If you were sued as a business, the owner or an employee can speak in court, as long as he or she is not a lawyer.

## **Can I reschedule my trial?**

If you have an urgent reason to change the trial date, file a *Motion to Continue (Reschedule) Hearing* at least 2 weeks before your trial. In Guide & File, choose the “Small Claims - Requests Before Hearing” interview.

## **Can I get an interpreter?**

Let the Clerk know if you or a witness needs help with English or has hearing problems. The Clerk can send a free interpreter to your trial.

## **What if the Plaintiff filed the case in the wrong county?**

You can ask the court to change the venue (location) for the case by filing a *Motion to Change Venue*. In Guide & File, choose the “Small Claims - Requests Before Hearing” interview.

## **What if I miss the deadline for responding?**

The Plaintiff can get a *default judgment*. You can ask the court to set aside a default judgment to allow you to respond. You can find the forms online at:

[www.courtselfhelp.idaho.gov/small-claims](http://www.courtselfhelp.idaho.gov/small-claims)