



## **ASA DIX LEGAL BRIEF**

A PREVENTIVE LAW SERVICE OF THE JOINT READINESS CENTER LEGAL SECTION  
UNITED STATES ARMY SUPPORT ACTIVITY DIX  
*KEEPING YOU INFORMED ON YOUR PERSONAL LEGAL NEEDS*

# ***SMALL CLAIMS COURT***

**Q: What is small claims court?** Small claims court is a section of the court in which you may sue someone to collect a relatively small amount of money that is owed to you. Because the process in small claims court is simpler than in other courts, persons can usually file and present their claim relatively quickly and inexpensively, and often without an attorney.

**Q: What is the maximum amount that can be recovered in “small claims court”?** Each state has its own version of “small claims court.” In New Jersey, the maximum amount that can be recovered in small claims court is \$3,000.00 (tenants trying to recover a security deposit can seek up to \$5,000). In Pennsylvania, the maximum amount that can be recovered before the District Justice Court is \$8,000 (\$10,000 in Philadelphia small claims court). In New York, the maximum amount that can be recovered in small claims court is \$5,000. In Delaware, the maximum amount that can be recovered before the Justice of the Peace is \$15,000. If you believe you are entitled to more than the jurisdictional maximum but want to sue in “small claims court” anyway, you give up your right to recover damages in excess of the maximum.

**Q: What types of claims can be filed in small claims court?** The following are typical claims filed in small claims court:

- Breach of written or oral contract
- Return of money used as a down payment
- Property damage caused by a motor vehicle accident
- Damage to or loss of property
- Consumer complaints
- Payment for work performed
- Claims based upon bad checks
- Claims for back rent
- Return of a tenant’s security deposit

**Q: What types of claims cannot be filed in small claims court?** There are some claims that cannot be filed in small claims court such as claims arising from medical malpractice, claims for support or alimony, and claims arising from probate matters.

**Q: Where should I file the claim?** In New Jersey, the complaint must be filed in the Office of the Special Civil Part of the county where at least one defendant (the party being sued) lives or where the business is located. Attached is a list of Special Civil Part Clerk’s Offices throughout the counties in New Jersey.

**Q: How do I file the complaint?** You may obtain a small claims complaint form from the Clerk of the Special Civil Part in the county in which the case will be filed, or you may obtain the form by going to the following website: <http://www.judiciary.state.nj.us/prose/index.htm>. The complaint can be filed in person or through the mail. When filing the complaint, you as the plaintiff (the party initiating the lawsuit) must provide the following information: your name, address and telephone number, the defendant's name and address, the amount of money for which you are suing, and the reasons why the defendant owes you money. You must sign the complaint form and pay the filing fee, which is \$15 for one defendant and \$2 for each additional defendant. In addition, you must pay a \$6 fee for each defendant in order for the court to serve the complaint upon the defendant(s) by certified or regular mail.

**Q: What should I do to prepare for trial?** If you are the plaintiff, you must prove your case and should arrange to have any witnesses and records you need to prove your case with you on the day of trial. Prepare your witness questions ahead of time. Note that a written statement, even under oath, is not admissible in court. Only actual testimony by the witness may be considered. You may want to bring records such as cancelled checks, contracts, leases, bills, estimates, letters, and photographs to help prove your case. If you are the defendant, you should prepare your side of the case as the plaintiff prepared his or her case. You may file a counterclaim against the plaintiff if you believe the plaintiff owes you money. If you do not appear in court on the trial date, a default judgment may be entered against you, and you may have to pay the amount of money the plaintiff says you owe.

**Q: Do I have the right to appeal the small claims court decision?** If either party disagrees with the small claims court's decision, they may appeal the case to the Appellate Division of the Court within 45 days from the date of judgment. To do so, you must file a Notice of Appeal, a copy of the Request for Transcript, and Information Statement within 45 days with the Clerk of the Appellate Division. You must pay a \$200 filing fee and a \$300 security deposit in order to appeal. If your appeal is successful, the \$300 deposit will be refunded to you.

*ASA DIX LEGAL BRIEF is one of a series of Information Papers from the ASA Dix Joint Readiness Legal Section containing general legal information on topics which Legal Assistance Attorneys frequently advise on. Information provided is general in nature and does not constitute formal, specific legal advice. Consult an Attorney for specific legal advice for your particular situation. You may schedule a legal assistance appointment by calling the Joint Base Legal Assistance Division at 609-754-2010. February 2010*

**DIRECTORY OF NJ  
SUPERIOR COURT SPECIAL  
CIVIL PART CLERK'S  
OFFICES**

**Atlantic County**

Special Civil Part  
Atlantic County Civil Courthouse  
1201 Bacharach Blvd.  
Atlantic City, NJ 08401  
(609)-345-6700; Ext. 3370

**Bergen County**

Special Civil Part  
Bergen County Justice Center  
Room 427, 10 Main Street  
Hackensack, NJ 07601  
(201)-527-2730

**Burlington County**

Burlington County Central  
Processing Office  
Attention: Special Civil Intake,  
Courts Facility  
49 Rancocas Rd.  
Mount Holly, NJ 08060  
(609)-518-2623

**Camden County**

Hall of Justice  
101 S. 5th Street, Suite 150  
Camden, NJ 08103-4001  
(856)-379-2202

**Cape May County**

Special Civil Part  
9 N. Main Street  
Cape May Courthouse, NJ 08210  
(609)-463-6502

**Cumberland County**

Special Civil Part  
60 West Broad Street  
Bridgeton, NJ 08302  
(856)-453-4350

**Essex County**

Civil Customer Service  
Hall of Records  
Room 201  
465 Dr. Martin Luther King Jr.  
Blvd.  
Newark, NJ 07102  
(973)-693-5529

**Gloucester County**

Gloucester County Courthouse  
Attn: Civil Case Management  
Office  
1 N. Broad St.  
Woodbury NJ 08096  
(856)-853-3392

**Hudson County**

Special Civil Case Management  
Office  
711 Administration Bldg.  
595 Newark Avenue  
Jersey City, NJ 07306  
(201)-795-6680

**Hunterdon County**

Hunterdon County Justice Center  
65 Park Avenue  
P.O. Box 1069  
Flemington, NJ 08822  
(908)-237-5820

**Mercer County**

Mercer County Central Finance  
Office  
175 S. Broad St. 1st Floor  
P.O. Box 8068  
Trenton, NJ 08650  
(609)-571-4490

**Middlesex County**

Middlesex Vicinage  
Special Civil Part  
3rd Floor - Tower  
P.O. Box 1146  
New Brunswick, NJ 08903-1146  
(732)-519-3679

**Monmouth County**

Central Fee Office  
P.O. Box 1260  
Freehold, NJ 07728-1260  
(732)-677-4223

**Morris County**

Morris County Courthouse  
Special Civil Part  
Washington and Court Sts.  
P.O. Box 910  
Morristown, NJ 07963-0910  
(973)-656-4125

**Ocean County**

Ocean County Superior Court  
Civil Intake  
118 Washington St., Room 121  
P.O.Box 2191  
Toms River NJ 08754-2191  
(732)-929-2016

**Passaic County**

New Courthouse  
77 Hamilton Street, First Floor  
Paterson, NJ 07505  
(973)-247-8268

**Salem County**

Salem County Courthouse  
Attn: Civil Case Management  
Office  
92 Market St.  
Salem, NJ 08079  
(856)-935-7510 x8213

**Somerset County**

Somerset County Civil Division  
40 North Bridge Street, 1st. Fl.  
P.O. Box 3000  
Somerville, NJ 08876  
(908)-231-7014

**Sussex County**

Special Civil Part  
Sussex County Judicial Center  
43-47 High St.  
Newton, NJ 07860  
(973)-579-0918

**Union County**

Special Civil Part  
Old Annex, 3rd Floor  
2 Broad Street  
Elizabeth, NJ 07207  
(908)-659-4900

**Warren County**

Warren County Civil Division  
Courthouse  
413 Second St.  
P.O. Box 900  
Belvidere, NJ 07823-1500  
(908)-475-6144

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