

Small Claims Frequently Asked Questions

Q: How much does it cost to file a Small Claims lawsuit?

A: The Small Claims filing fee is \$94.50 plus service fees.

<http://www.wicourts.gov/courts/circuit/docs/fees.pdf>

Q: How much are the service fees?

A: SERVICE FEES: See below. Some restrictions apply*

1. \$2.00 per defendant.
2. \$8.00 per defendant.
3. Private process server or sheriff's department. Contact agency for rates.

***SERVICE RESTRICTIONS:**

If the defendant lives out of county, there must be personal service.

Evictions are limited to personal service.

Replevin cases are limited to certified mail or personal service.

Q: What if I cannot afford the filing and/or service fees?

A: You may complete a Petition for Waiver of Filing and Service Fees/Affidavit of Indigency and Order (Form CV-410) and submit it with your small claims summons and complaint. The Judge will approve, deny or order partial payment of fees based upon standard guidelines. Form CV-410 is available at: <http://www.wicourts.gov/forms1/circuit/index.htm>

Q: The other party lives in another County, where do I file my papers?

A: You may reference Wisconsin Statute Chapter 799 pertaining to Small Claims at <http://docs.legis.wisconsin.gov/statutes/statutes/799/01> and/or reference the Small Claims Guidebook at <http://www.wicourts.gov/publications/guides/smallclaimsguide.htm> .

Q: What do I need to file a small claims action?

A: You may refer to the Plaintiff Instruction Sheet for step by step instructions at <https://www.co.eau-claire.wi.us/home/showpublisheddocument/37172/637299894766570000>.

Q: Where can I get the standard forms for filing a small claims summons and complaint:

A: Numbered forms are available on the Court System website www.wicourts.gov. The Summons and Complaint is available on the Clerk of Court website at: <https://www.co.eau-claire.wi.us/home/showpublisheddocument/37156/637299750440730000> or in the lobby of the Clerk of Court office located at 721 Oxford Ave, Suite 2220, Eau Claire WI 54703.

Q: Where can I get additional information about small claims?

A: There are several resources available to the public including:

1. Wisconsin Court System Self-help Center:
<http://www.wicourts.gov/services/public/selfhelp/index.htm>

2. Guide to Small Claims Court:
<http://www.wicourts.gov/publications/guides/smallclaimsguide.htm>
3. Landlord/Tenant Resource Center: <http://wilawlibrary.gov/topics/landlord.php>
4. Landlord/Tenant information provided in the "WI Courts" (Wisconsin Statutes):
<http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&fn=default.htm&d=stats&jd=ch.%20704>
5. Questions about Landlord/Tenant Law : <http://wilawlibrary.gov/topics/landlord.php>
6. Standard circuit court forms can be obtained from the Wisconsin Court system website:
<http://www.wicourts.gov/forms1/circuit/index.htm>
7. A free legal clinic is also available the 3rd Wednesday of each month at the Eau Claire Public Library and the 4th Wednesday of each month at the Chippewa Falls Library from 6:30 p.m. to 8:00 p.m.