

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, the 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.tylerhost.net/ofswab>.

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

C. Print and File in Person:

To print and fill out your forms go to: 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. You can prepare and e-file this form in Guide & File.

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*. You can prepare and e-file this form in Guide & File.

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

Full Name of Party Filing Document

Mailing Address (Street or Post Office Box)

City, State and Zip Code

Telephone

Email Address (if any)

IN THE DISTRICT COURT FOR THE _____ JUDICIAL DISTRICT
FOR THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____
SMALL CLAIMS DEPARTMENT

_____	Case No. _____
_____	ANSWER
Plaintiff(s),	
vs.	

Defendant(s).	No Filing Fee

1. If the Defendant's name is not spelled correctly on the Plaintiff's Claim, or if the Defendant's address or phone number are not correct or are omitted on the Plaintiff's Claim, fill out this portion.

Defendant's Name Address City State Zip Phone

Defendant's Name Address City State Zip Phone

2. If the Plaintiff's claim asks for a judgment for money, fill out this portion.

Do you agree that you owe money to the Plaintiff? Yes No

If yes, how much do you agree that you owe? _____

If you believe that you do not owe the Plaintiff the amount claimed or any money, state briefly why you do not owe the money.

3. If the Plaintiff's claim seeks the return of personal property, fill out this portion.

Do you agree with the part of the Plaintiff's claim asking for the return of personal property? Yes No

If not, state briefly why not.

BY SIGNING THIS ANSWER, THE DEFENDANT VERIFIES THAT the information above is true and correct to the Defendant's best knowledge.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury pursuant to the law of the State of Idaho that the foregoing is true and correct.

Date: _____

Typed/printed name

Signature

Favor de avisarnos antes de la fecha de la audiencia si usted necesitara un intérprete en la corte.