

e-Filing in New Hampshire Circuit Court

SMALL CLAIM and CIVIL JUDGMENT COLLECTION PROCESS

- Electronic filing is mandatory unless you request and receive an exception to e-Filing. Click here for Instructions about the e-Filing Exception process.
- Use caution when filing confidential information. See e-Filing Rules 11 and 12 and the Instructions for the Filing of Confidential Information.

How do I access e-Filing?

If you are working with an attorney, s/he will guide you on the next steps. If you are going to represent yourself in this action, go to the court's website: www.courts.state.nh.us , select the Electronic Services icon and then select the option for a self-represented party.

1. Click "E-File Here" to enter the e-filing application.
2. Click Sign up and follow the prompts. Save your password in a safe place.
3. After you sign up and login, click start now, next to *Civil Complaint* **or** *Small Claims–Click Here to Start – File into an Existing Case*.
4. At Where to File, select the county name and location where you want to file. Click next.
5. Follow the instructions and prompts on the screen to complete the filing.

General information:

- If you are the plaintiff and you receive a judgment in your favor, the defendant has thirty days from the date on it to pay you in full. The defendant may also appeal the judgment to the New Hampshire Supreme Court; however any appeal must be filed within 30 days of the Clerk's Notice of Decision (or within any additional time allowed by the Supreme Court).
- If the defendant does not pay within that period or file an appeal, you may file a Motion for Periodic Payments which will trigger a payment hearing where the judge will enter an Order for Payments. There are additional methods for collecting a judgment in New Hampshire such as requesting a writ of execution and, if the defendant owns real estate, recording a certified copy of the judgment in the registry of deeds for the county where the defendant's real estate is located.
- If the defendant does not comply with a signed Agreement /Agreement for Payments or the judge's Order for Payments, you may file a Motion for Contempt for Non-Compliance with Payment Order which will trigger a contempt hearing.

Forms listed below are needed to start this action:

- Motion for Periodic Payments (**NHJB-2364-DPe**) online.
OR
- Motion for Contempt for Non-Compliance with Payment Order (**NHJB-2815-DPe**) available in the Clerk's Office or online.

Information needed to fill out the motion or affidavit:

- You need your case information including party names and case number. If there was a prior payment order you need the date of that order.
- You need a current address for the defendant to have the defendant served by mail or sheriff.
- You need to indicate the current balance of the case and when the last payment (if any) was made.

How much will this cost?

- Filing fee of **\$25.00** for Motion for Periodic Payments. This amount will be added onto the judgment the defendant is liable for paying, but must be paid by the plaintiff up front.

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- You will indicate on the form if you want service to be made by certified mail or sheriff. Either method will have a fee attached. Again, this fee will be added to the judgment, but must be paid up front.
- If your first attempt at serving the defendant fails and you need to try again, there is a **\$25.00** fee to reissue Orders of Notice and you would have to pay certified mail or sheriff's fees as well.
- There is **no fee** to file a Motion for Contempt for Non-Compliance with Payment Order, but you will be responsible for certified mail or sheriff's fees and a **\$25.00** filing fee if you require reissued Orders of Notice.

What happens next?

- When you submit the form to the court you must electronically serve a copy of it to the defendant if the defendant is registered in the electronic filing system or, if the defendant is not registered in the electronic filing system (or has received an exception to e-filing) you must send a copy by regular mail. Receiving this paperwork sometimes prompts the other party to make payment to avoid a court hearing.
- The court will generate Orders of Notice (hearing notice) and transmit them electronically. You must then follow the instructions on the first page of the paperwork. If you selected personal service on the defendant, you must submit the fee to the sheriff for service of the Orders of Notice. If you selected service by certified mail, you must send notice to the defendant(s) by certified mail, restricted delivery.
- The sheriff or Post Office will send you proof of service. You must electronically file this to the court so it can be added to the file.
- On the day of the hearing or perhaps before, the defendant will fill out a statement of assets and liabilities which may be reviewed by you. The judge will then review the statement and make an order for installment or lump sum payment unless the judge finds that the defendant's income is exempt. If the defendant's only source of income is social security for example, the judge is not permitted by law to issue a payment order. The statement of assets and liabilities is available only to the parties. It is confidential as to non-parties.
- Sometimes the parties can reach an agreement and avoid coming to court. If that happens, the parties should fill out an Agreement for Payments form (**NHJB-2857-De**) indicating the balance owed and the terms of repayment. Both parties sign the form and it can be submitted to the court for approval. A signed agreement can be enforced like any other court order. The agreement must acknowledge that exempt income (such as social security) may not be used to make payments per a court order.
- If the defendant fails to appear the day of the hearing and there is proof of service, the judge may issue an Order of Arrest for the defendant. Upon arrest the defendant may have to post bail and will be given a date to appear in court. You will receive notice of that date and may appear as well.
- If you don't provide the court with proof of service, and the defendant does not appear, the case will be closed.
- If you couldn't locate the defendant for service and subsequently find a good address, you may electronically file a request new orders of notice with the filing fee.
- If the defendant fails to comply with the payment order, you start the process at the stage of a Motion for Non-Compliance with Payment Order.

**If you have questions regarding this process, please contact the Information Center at
1-855-212-1234.**

**BE SURE TO NOTIFY THE COURT IF YOUR ADDRESS AND EMAIL ADDRESS CHANGES. FAILURE
TO DO SO COULD RESULT IN THE ISSUANCE OF ORDERS AGAINST YOU OR WITHOUT YOUR
INPUT.**