

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
NH CIRCUIT COURT
www.courts.state.nh.us

WHAT TO EXPECT AFTER YOU FILE
A SMALL CLAIM COMPLAINT

You have filed a *Small Claim Complaint*.

What happens next?

You will receive an electronic notice from the court when your small claim complaint has been accepted. The court will mail a copy of the complaint to the defendant by U.S. mail. The court will also electronically send you a copy of the complaint which will contain the RETURN DATE. This is the date by which the defendant must file a response.

What if the defendant's U.S. mail notice is returned to the court?

If the defendant's copy of the small claim complaint is returned to the court by the post office indicating the address is not valid, the court will electronically send you a notice with further instructions about how to notify the defendant of this complaint.

What are the defendant's options when receiving the complaint?

The defendant may:

1. Pay you. If the defendant does pay you, please notify the court immediately.
2. Request a hearing. The defendant may dispute the claim and ask the court for a hearing.
3. Confess judgment. This means that the defendant admits to owing the money.
4. File for bankruptcy protection. The defendant would do this with the Federal Bankruptcy Court.
5. Request a jury trial which will occur in the Superior Court.
6. File a counterclaim against you on the same matter.

You will receive the defendant's response electronically.

What happens if the defendant does not file a response by the Return Date?

If the defendant does not file a response by the Return Date and the defendant's notice of the small claim has not been returned by the post office, the court may enter a default judgment in your favor if you have filed a Military Service Statement (**NHJB-2200-DFPe**) showing that the defendant is not in active military service. You will receive the Notice of Decision of the default judgment electronically.

What happens if the defendant requests a hearing on the claim?

If the defendant requests a court hearing, the court will schedule a Pretrial Hearing which you are required to attend. This is a court proceeding which will determine the direction of your small claim case. The court will send you a Notice of Hearing and further information electronically.

What happens if the defendant does not dispute the claim?

If the defendant files a notice that the claim is not disputed, this is referred to as "confessing judgment". The court enters judgment in your favor and a payment hearing will be scheduled. This hearing may be cancelled upon notification from you in writing that payment has been made in full or that the parties have reached a satisfactory payment arrangement. All payments must be made directly to you.

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What happens if the defendant requests a jury trial in Superior Court?

If the claim exceeds \$1,500, the defendant may request a jury trial in the Superior Court. The defendant must include the small claim transfer fee with this response or this case will not be transferred.

What happens if the defendant files a notice that bankruptcy has been filed?

If the defendant has filed a petition with the United States Bankruptcy Court and the debt sought in this small claim has been included, the court will issue an order which stays these proceedings. This means that court action in this small claim complaint will not proceed while the bankruptcy proceeding is ongoing in the Bankruptcy Court. If this occurs, you may wish to contact the US Bankruptcy Court for further information/instructions.

What happens if the defendant pays the claim/judgment?

If the defendant pays you, you must electronically file a Notice of Full or Partial Payment (NHJB-2858-De). Indicate on the form if the claim has been paid in full or in part.

What happens if I have received a judgment in my favor and the defendant has not paid me?

The defendant has 30 days to pay the judgment from the date the Notice of Decision is issued. If you have not received payment, the next step is to file a Motion for Periodic Payments (NHJB-2364-DPe). There is a fee to file this motion. You may file this form by logging into your case, selecting File into an Existing Case, and then choosing Collection Process.

If you have any questions or need additional information please call the court at 1-855-212-1234.