



Grays Harbor County District Court

Megan M. Valentine, Judge, Dept. 1

Andrea Vingo, Judge, Dept. 2

MiHa Kapaki, Court Administrator

102 W. Broadway, Room 202 Montesano, WA

Telephone 360-249-3441 Fax 360-249-6831

2109 Sumner Ave, Room 201 Aberdeen, WA

Telephone 360-532-7061 Fax 360-532-7704

www.graysharbor.us

SMALL CLAIMS COURT

FILING, SERVICE, & RETURN HEARING

What is a small claim?



Any individual may bring a small claim to recover money up to \$10,000; businesses, partnerships, or corporations (with a couple of exceptions) may bring a small claim for no more than \$5,000. Small claims must be filed in the county of the defendant's residence, or in the case of a traffic accident, the county where the accident occurred. The state of Washington may not be sued in small claims court. Exceptions and specific rules can be found in [RCW 3.66.020](#) and [RCW 3.66.040](#).

How long do I have to file?



Time limits for filing a claim range from one to ten years from the time the event occurred, depending on the type of case. To determine which time limit applies, review [Chapter 4.16 RCW](#).

How much does filing a small claim cost?



A \$50 filing fee. In addition, there may be more fees if you decide to have your claim served by a process server or law enforcement. Service is explained in the next section. If you win, you are entitled to filing fees and service costs.

How do I get started?

1. **Fill out and file a notice of claim.** The clerk can provide you with a notice of claim form. A notice of claim may be filed in person, by email at GHDC2@graysharbor.us, or by mail and sent to 2109 Sumner Avenue, Room 201, Aberdeen, Washington 98520. *Note: if you submit your claim by email, it will not be considered filed until the court receives your filing fee.* It is your responsibility to accurately identify the respondent, describe the claim, and provide the respondent's proper mailing address and phone number. The notice of claim form will include a return hearing date and a case number. All copies of the claim form will be returned to you for service.
2. **Provide a declaration that the defendant is not active-duty military.** You must provide a declaration affirming that the defendant is not active-duty military. If the

defendant is active-duty military, you must follow additional steps outlined by federal law. Find out more information at [Service Members Civil Relief Act](#), [Defense Finance and Accounting Service](#), or consult with an attorney.

3. **Have the notice of claim served.** The plaintiff is responsible for arranging service of the claim form on the defendant. *The notice of claim must be served on the defendant at least ten days before the return hearing date.* A return of service or a mail return receipt with the defendant's signature must be filed at or before the pretrial. *The plaintiff cannot personally serve the claim.* Service of the claim form can be accomplished by:
 - Local law enforcement;
 - A process server;
 - Any person 18 years or older and who is not a witness or a party;
or
 - By mailing a copy by registered or certified mail with a return receipt.

What happens next?

1. **A return hearing:** The parties must attend the return hearing listed on the notice of claim form in person in District Court #2 or by Zoom:

<https://zoom.us/join>

Meeting ID: **86275834226**
Password: **604868**

After the hearing, the parties will contact a representative from the Dispute Resolution Center (www.drcghp.org) across the hall from the courtroom and provide them with contact information so that they can arrange a date and time for mediation.

2. **Mediation.** Mediation is mandatory. Once the case has been mediated, the Dispute Resolution Center will notify the court, and the case will be set for the next appropriate hearing. A trial date will only be scheduled if both sides attend the mediation and are unsuccessful in reaching a resolution.

What if I don't or can't appear?

- **Ask the court for a continuance of the return hearing.** All requests for continuances by either party must be done in writing (email or mail), in advance of the hearing, provided to the other party, and submitted for the judge to review.
- **If the respondent fails to appear for the return hearing or mediation, the plaintiff may request a default judgment.** Before that happens, the plaintiff must provide:
 1. Proof of proper service of the notice of small claim;

2. A factual basis to support the claim (usually documents and/or testimony), and
 3. Proof of compliance with the Servicemembers Civil Relief Act.
- **If the plaintiff fails to appear for the return hearing or mediation, the respondent may request that the small claim be dismissed,** and a default judgment entered on any counterclaims.

What if I need additional help?



If you need an interpreter, disability accommodations, or other help, please contact the clerk or have someone contact the clerk on your behalf at GHDC2@graysharbor.us or (360) 532-7061. Legal resources are available at the court's website at graysharbor.us, or online at www.washingtonlawhelp.org.

GRAYS HARBOR COUNTY DISTRICT COURT 2

1. _____,
 2. _____,
 Plaintiff(s).

v.

1. _____,
 2. _____,
 Defendant(s).

No. _____

NOTICE OF SMALL CLAIM

RETURN HEARING:

 2109 SUMNER AVE.,
 ABERDEEN, WA

The above-named plaintiff(s) has filed a small claim against the defendant(s) for the reasons stated on the next page.

Plaintiff #1 Contact Information:

Address	
City, State, ZIP	
Phone & email	

Plaintiff #2 Contact Information:

Address	
City, State, ZIP	
Phone & email	

Defendant #1 Contact Information:

Address	
City, State, ZIP	
Phone & email	

Defendant #2 Contact Information:

Address	
City, State, ZIP	
Phone & email	

The parties are directed to appear for a small claims return hearing at
GRAYS HARBOR COUNTY DISTRICT COURT 2
2109 SUMNER AVE., ABERDEEN, WA
 on: _____ at _____ am/pm.

Grays Harbor County District Court #2

<p>_____ , Plaintiff(s)</p> <p align="center">vs.</p> <p>_____ . Defendant(s)</p>	<p>Case No: _____</p> <p align="center">Small Claims Return of Service</p>
--	--

The Defendant(s) was served with the Small Claims Notice of Claim filed in this matter as follows:

REGISTERED OR CERTIFIED MAIL (RCW 12.40.040; RCW 4.28.080(17)). I mailed a copy of the Small Claims Notice of Claim to the Defendant(s) by registered or certified mail to the Defendant's usual mailing address. The return receipt with the signature of the party being served is attached.

PERSONAL SERVICE (RCW 4.28.080(16)). I handed a copy of the Small Claims Notice of Claim personally to _____
 Date and time of service: _____
 Location of service (address, city, state): _____

SUBSTITUTE SERVICE (RCW 4.28.080(16)). I handed a copy of the Small Claims Notice of Claim personally to _____
 The service was made (1) at the Defendant(s) usual abode, and (2) to the above person who was of suitable age and discretion and (3) to the above person who was then a resident at that location.
 Date and Time of Service: _____
 Location of Service (address, city, state): _____

SERVICE ON COMPANY OR CORPORATION (RCW 4.28.080(9)). I handed a copy of the Small Claims Notice of Claim to _____
 who is the president or other head of the company or corporation, the registered agent, secretary, cashier or managing agent, or to the secretary, stenographer or office assistant of the president or head of the company or corporation, register agent, secretary, cashier or managing agent.

I certify (or declare) under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date: _____ Place: _____

Signature _____

Print Name _____

Grays Harbor County District Court #2

<p>_____</p> <p style="text-align: right;">Petitioner,</p> <p>vs.</p> <p>_____</p> <p style="text-align: right;">Respondent.</p>	<p>No. _____</p> <p>Declaration re: Service Members Civil Relief Act (Active-Duty Military) (Optional Use) (AFSCR)</p>
--	---

(The **federal** Servicemembers Civil Relief Act covers:

- Army, Navy, Air Force, Marine Corps, and Coast Guard members on active duty;
- National Guard or Reserve members under a call to active service for more than 30 days in a row; and
- commissioned corps of the Public Health Service and NOAA.

The **state** Service Members' Civil Relief Act covers those service members listed above who are either stationed in or residents of Washington state and their dependents, except for the commissioned corps of the Public Health Service and NOAA.)

I (name) _____, **Declare** that:

- (Name): _____ is **not** a service member or a dependent covered by the state or federal Service Members' Civil Relief Acts.
- (Name): _____ is a service member covered by the state or federal Service Members' Civil Relief Acts. *(Check all that apply):*

Branch of Service	Washington State Connection	Duty Status
<input type="checkbox"/> U.S. Armed Forces (Army, Navy, Air Force, Marine Corps, Coast Guard)	<input type="checkbox"/> Stationed in or resident of Washington	<input type="checkbox"/> In military service (meaning active duty or a call to active service for more than 30 days in a row)
<input type="checkbox"/> National Guard or Reserves	<input type="checkbox"/> None	<input type="checkbox"/> Is within 90 days after termination of or release from military service (50 USC 522(a)(1))
<input type="checkbox"/> commissioned corps of Public Health Service or National Oceanic and Atmospheric Administration		<input type="checkbox"/> Is within 180 days after termination of or release from military service (RCW 38.42.060(1)(a))
		<input type="checkbox"/> Not on active duty or a call to active service for more than 30 days in a row

- (Name): _____ is a **dependent** of (name): _____, who is a service member covered by the **state** Service Members' Civil Relief Act and who is under a call to active service for more than 30 days in a row. *(Dependent means a spouse,*

child under 18, or other person who got at least 50% of his/her financial support from a covered service member.)

I know this because (check all that apply):

- The attached report from the Defense Manpower Data Center (DMDC) shows his/her status. (To get the report, visit <https://scra.dmdc.osd.mil/scra/>. You will need his/her birth date or social security number to search this website.)
- I sent him/her a *Notice re Military Dependent* (form All Cases 01.0230) to inform him/her of dependents' rights. S/he did not respond within 20 days claiming to be a protected military dependent. Therefore, the other party should not be considered a protected military dependent.

The *Notice* was (check one): personally served on (date): _____
 mailed by first class mail on (date): _____

- I have personal knowledge of his/her military or dependent status (explain):

- Other (explain): _____

- I **don't know** whether (name): _____ is a service member or a dependent covered by the state and/or federal Service Members' Civil Relief Act. I did the following things to try to find out:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed at (city) _____, (state) _____ on (date) _____.

Print Name



Grays Harbor County District Court

Megan M. Valentine, Judge, Dept. 1

Andrea Vingo, Judge, Dept. 2

MiHa Kapaki, Court Administrator

102 W. Broadway, Room 202 Montesano, WA

Telephone 360-249-3441 Fax 360-249-6831

2109 Sumner Ave, Room 201 Aberdeen, WA

Telephone 360-532-7061 Fax 360-532-7704

www.graysharbor.us

SMALL CLAIMS COURT

TO BE SERVED WITH NOTICE OF CLAIM

Why am I receiving this?



You are receiving these instructions because an individual or business, known as a plaintiff, has filed a small claim against you. Small claims courts are courts of limited jurisdiction that resolve civil disputes between private parties involving relatively small amounts of money.

What happens next?

- **A return hearing:** The parties must attend the return hearing listed on the notice of claim form in person in District Court #2 or by Zoom:

<https://zoom.us/join>

Meeting ID: **86275834226**
Password: **604868**

After the hearing, the parties will contact a representative from the Dispute Resolution Center (www.drcghp.org) across the hall from the courtroom and provide them with contact information so that they can arrange a date and time for mediation.

- **Mediation.** Mediation is mandatory. Mediation gives both sides the opportunity to find a solution to the disagreement without a trial. Experience shows that when people reach an agreement about how to solve a problem, both sides are more likely to be satisfied with the outcome. Once the case has been mediated, the Dispute Resolution Center will notify the court. A trial date will only be scheduled if both sides attend the mediation and are unsuccessful in reaching a resolution.

What if I don't or can't appear?

- **Ask the court for a continuance of the return hearing.** A request for a continuance must be done in writing (email or mail), in advance of the hearing, provided to the other party, and submitted for the judge to review.
- **If the respondent fails to appear for the return hearing or mediation, the plaintiff may request a default judgment.**
- **If the plaintiff fails to appear for the return hearing or mediation, the respondent may request that the small claim be dismissed,** and a default judgment entered on any counterclaims.

What if I need additional help?



If you need an interpreter, disability accommodations, or other help, please contact the clerk or have someone contact the clerk on your behalf at (360) 532-7061 or GHDC2@graysharbor.us or go to our website at graysharbor.us.

Why Mediate?

Community Mediation is a conflict management process which allows collaborative problem solving and mutually satisfactory agreements.

80.2%

Of past clients said mediation helped their situation.*

*Resolution Washington State data.



Bridging understanding

Sometimes parties haven't had the opportunity to share their full side of the conflict or hear out the other party. A mediator is a neutral third party that will help guide you in understanding one another and the conflict in a confidential, informal setting.



You have a say; parties decide the outcome

Mediation is an alternative to the judicial process and gives parties an opportunity to co-create legally-binding solutions. Studies* have shown, having a say in the outcome results in a more satisfactory experience for both.

* Judicial Council of Calif., Admin. Office of the Courts, Evaluation of the Early Mediation Pilot Programs (2004)



Saves you time and money

Our Dispute Resolution Center has partnered with the Grays Harbor Small Claims Court. Thanks to this partnership, we are able to offer this service at no cost to both parties and in a more flexible way, compared to other ways to solve conflict.

Call the Dispute Resolution Center to get started

Contact us for more information and our bilingual staff will guide you through the steps and answer any questions you may have.

Please note, our office is closed to the public on Fridays

Follow these three steps:

- 1 Call and set up your intake interview. Please have your court case number with you.
- 2 Prepare for Mediation.
- 3 Schedule and attend your session.



Hablamos español.

Interpreter services available for additional languages.

(360) 532-8950

mediate@drcghp.org

www.drcghp.org