

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

FILING INTO AN EXISTING SMALL CLAIMS CASE
INFORMATION SHEET

How do I access e-filing?

If you are working with an attorney, s/he will guide you on how to e-file. 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. Complete the sign up/log in process.
3. After you log in, click the start now next to Small Claims – File into an Existing Case.
4. Select the county and court name where you want to file.
5. Follow the instructions and prompts on the screen to complete the filing.

How do I access court forms?

Go to the court's website: www.courts.state.nh.us
Select Circuit Court>District Division>Forms>e-filing Forms

Helpful Tip: Many forms will be completed for you using the answers you enter in TurboCourt (the e-Filing application for self-represented parties). Use the e-filing forms link on the court's website to fill out a form **only** if TurboCourt does not generate the form for you.

Do I have to file online?

Electronic Filing is mandatory in Small Claim cases filed in all District Division locations. The defendant is required to file a Response with the court **on or before the Return Date** noted on the bottom of the Complaint. Go to the following website: www.courts.state.nh.us and sign up in order to file pleadings to a claim.

You may sign up and respond on any private or public computer. There is also a public access computer in the courthouse lobby.

Do I need an Attorney?

In New Hampshire, lawyers are not required in Small Claims court, and formal rules of evidence are not followed. Although not required in Small Claims actions, any persons or businesses involved in the proceedings may be represented by a lawyer, if they wish.

How do I file a motion?

After you signup and log in, click Start Now, next to Small Claims – File into an Existing Case. Select the county and court name where you want to file.
Enter the case number. Follow the instructions and prompts on the screen to complete the filing. On the screen that asks "What Would You Like to File" select "I want to file a Motion."

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What does the “What Would You Like to File” screen look like for the Plaintiff and Defendant?

Plaintiff:

The common forms that a Plaintiff files in this case type are listed below in categories. If you do not see what you are looking for, select the Miscellaneous category for another list of options.

The forms marked with an **A** are Automatically generated by your answers to a series of questions. At the end of the process, you simply review your automatically-generated form and then e-file.

The forms marked with a **C** are those which you must Complete by typing the required information into the form, and then saving, attaching, and e-filing it. Instructions for how to do this will be available at the end of the program.

What Would You Like to File into Your Case Today? *

After you filed a Small Claims Complaint, if you received a Notice of Small Claim Returned (defendant has not been served with the complaint):

- A** Request for Alternate Mail Service/Personal Service or Request not to Proceed (This is filed only when the Small Claims Complaint has not been successfully served on the defendant)

If you have reached an agreement, received payment from the defendant, or are no longer pursuing payment:

- C** Agreement (This must be signed by all parties.)
- C** Notice of Full or Partial Payment Received
- C** Withdrawal of Complaint (This is sometimes called a "Voluntary Non-suit".)

If you won a judgment (collection process):

- A** Motion for Periodic Payments (This is usually the first step in the collection process.)
- A** Motion for Contempt for Non-Compliance with a Payment Order (This is filed after a payment order has been issued.)
- C** Request for New Orders of Notice (This is filed when Orders of Notice for your Motion for Periodic Payments or Motion for Contempt for Non-Compliance with a Payment Order has not been successfully served on the defendant.)

Miscellaneous Options:

- A** Motion
- A** Objection
- A** Email/Address Notification or Change
- A** Statement of Assets and Liabilities for an *Individual* (If you are a Business, choose **Other**, below.)
- C** Add a new case participant
- C** Other - I want to file another document that I will complete and attach

Defendant:

The common forms that a Defendant files in this case type are listed below in categories. If you do not see what you are looking for, select the Miscellaneous category for another list of options.

The forms marked with an **A** are Automatically generated by your answers to a series of questions. At the end of the process, you simply review your automatically-generated form and then e-file.

The forms marked with a **C** are those which you must Complete by typing the required information into the form, and then saving, attaching, and e-filing it. Instructions for how to do this will be available at the end of the program.

What Would You Like to File into Your Case Today? *

Early in the case: If you received a Small Claims Complaint and have not yet filed anything with the court, you will likely file:

- A** Response to Small Claim (This is the most common first filing by a defendant. It is required by court rules. It gives you options to request a hearing to dispute the claim, agree that you owe money to the plaintiff, allege a counterclaim against the plaintiff, and other important options.)

Later in the case: If you received a Notice of Decision of a judgment that you owe the plaintiff money, you might file:

- A** Motion
- A** Objection (Use this to object to a motion filed by the other party.)
- A** Statement of Assets and Liabilities for an *Individual* (If you are a Business, choose **Other**, below.)
- A** Email/Address Notification or Change
- Miscellaneous options (less commonly filed):**

Motions are held by the court for ten (10) days. After ten (10) days, the court will address your motion, along with any objections to the motion filed by the other party.

How much will this cost?

Fees vary depending on what is being filed. [Click here to check your filing fees.](#)

Can we just settle outside of court?

The parties should try to settle the claim. The plaintiff may simply ask the person who owes the money to pay. If the defendant confesses judgment (agrees that the debt is owed), judgment will be entered in the plaintiff's favor.

What does the Plaintiff do if they receive judgment in their favor but the defendant does not pay?

The defendant has 30 days to pay the judgment from the date the Notice of Decision is issued. If the plaintiff does not receive payment, they may file a Motion for Periodic Payments (**NHJB-2364-DPe**). There is a fee to file this motion. To file this, the plaintiff would log into the case, select "*Small Claims – File into an Existing Case*", and then choose Collection Process.

What happens next?

If the defendant pays the debt, the plaintiff must notify the court that the debt/judgment has been satisfied. If the defendant does not file a response by the return date, and the mail has not been returned to the court as undeliverable, a judgment may be entered in the plaintiff's favor. If the defendant disputes the claim and requests a hearing, a Pre-Trial hearing will be scheduled. Both parties will be notified of the Pre-Trial hearing date. Both parties must attend.

If you have questions, please call the court at 1-855-212-1234.