

A Maryland Judiciary Production
My Laws, My Courts, My Maryland
Small Claims Part 2: How Do I File a Small Claim?

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Welcome to the second video in our series on small claims in the Maryland Courts. Small claims may be more informal than other types of cases but there is still a lot involved. I'm here to walk you through the first step, filing the case. This step involves completing a complaint form, submitting it to the right courthouse, and paying the associated fees. Let's get started.

Complete the Complaint Form

Use the complaint form to start a small claim. This is form DC-CV-001. It is available online at mdcourts.gov/courtforms or at the clerk's office of any District Court. This is what the complaint form looks like. (Form on screen, circles each part as mentioned by narrator). Write the following information to complete the form:

- Your name and address
- The name and address of the defendant
- The amount of money you are seeking, plus interest if any
- A summary of the facts of your claim including a legal reason why money is due to you. You may attach additional pages if necessary.

At the top, be sure to check off whether your claim is a "contract" or "tort" claim. Contract cases are when you claim the other person violated a written or oral agreement. This commonly involves leases, loans, home and car repairs, or sale of a product. Tort cases involve injury to a person or damage to property. Car accidents are the most common torts. Check the \$5,000 or less box to let the court know this case is a small claim.

Check one of the boxes next to each defendant's name to let the court know how you wish to have the defendant served. Watch our video on Service of Process in the District Court to learn more about these options.

Federal law protects members of the military from certain lawsuits filed when they are on active duty. The form asks you to provide information about the defendant's military service under "Military Service Affidavit." When necessary, certification of the defendant's military status can be obtained online at <https://scra.dmdc.osd.mil/>. You must make an account to use this website. Enter personal information about the defendant such as full name and birthdate or social security number. You may then print a certification of military status to attach to the complaint.

Finally, you are not required to complete the bottom section of the form labeled “Application and Affidavit in Support of Judgment.” Only complete this section for special cases where the facts can be proven by paperwork alone without the need for a trial and if the Defendant does not contest your claim. This section is usually used by large institutional plaintiffs like banks and credit card companies.

Now let’s talk about how to file your case.

File the Complaint

Submit the completed complaint to the clerk’s office at a Maryland District Court. Each county has at least one District Court location. Court rules generally require that you file your case in the county where the Defendant lives, works, or conducts regular business. If you printed the form yourself, be sure to bring at least four copies of the form and any attachments. Make sure you keep copies of everything for yourself.

Pay the Filing Fee

There is a fee that you must pay at the time you file the case. If you cannot afford the fee, you may apply to waive this fee. Watch our video titled *Can’t Afford Court Filing Fees* for more information. The clerk will also collect a second fee if you requested service of process by certified mail or sheriff.

Where to Get Help

One last thing before we review. If you have any questions speak with a lawyer. If you don’t have a lawyer, you may speak with one for free at a Maryland Court Help Center. Lawyers at the Help Center can give you advice and help you with the forms. They cannot represent you in court. Call 410-260-1392 or go online to mdcourts.gov/helpcenter for a list of hours and locations.

Now let’s review what you have learned.

Let’s Review

The first step in a small claim is filling out the complaint, form DC-CV-001. Submit the completed form at the Clerk’s Office in a Maryland District Court. There will be a fee to file and there may be a fee for serving the defendant. Watch our video on Service of Process in the District Court for more important information you should know before you file a small claim. Finally, if you have questions along the way, speak to a lawyer or review resources at mdcourts.gov/courthelp. Thanks for watching.

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