

# USING SMALL CLAIMS COURT

## PRESENTACIÓN ANTE UN TRIBUNAL DE FALTAS Y CONTRAVENCIONES

CRC BULLETIN #413

### Using Small Claims Court

It may be necessary for you to use the Small Claims Court process to help you recover child care fees that are owed to you. This bulletin has been put together to help you understand the process.

### Beginning the Process

The first step in attempting to recover funds that are owed to you is to make a written demand to the person owing you money. State in your letter that you expect full payment of the funds owed you. It is best to ask for payment by a specific date, (two weeks is usually a reasonable amount of time). The letter should be dated and you should keep a copy. It is a good idea to send the letter by certified mail. This way, the receiver must sign for the letter so you can be sure that it has been received.

### Filing a Plaintiff Claim

If the money owed you is not received by the requested date, your next step would be to go to small claims court and file a plaintiff claim. The plaintiff claim is a form explaining what you are owed. At this time you will be given a court date. The fee for filing is \$20.00. Checks are made payable to the Napa Municipal Court.

### Serving Papers

Next, the claim papers need to be served to the person owing you money.

1. Service provided by the Court is by certified mail sent by the Court clerk. Cost is \$5.00 per each defendant/address.
2. Service by the Sheriff's Department is \$26.00 per each defendant served. Checks are made payable to the Sheriff's Department.
3. Service can be made by private process server. Process servers are located in the telephone directory. Costs vary. They will provide proof of Service to you.
4. Service can be provided by a friend, a neutral party, and not a party to the action. Person must be a U.S. citizen and over the age of 18.

Both the filing fee and the process serving fee will be repaid to you if the judge awards in your favor.

### Organizing Documentation

Before the court date be sure that you have all of your documentation in order. This would include: copies of contracts, parent agreements, written letters requesting payment, attendance forms, and any other appropriate forms and information. Make sure you appear organized. Your statements should be short and to the point. The judge will make a decision and you will receive notice in the mail in approximately 2 weeks. The court will also notify the other party and a repayment agreement will be worked out.

### Tips to Avoid Conflict

Make sure the parents have a good understanding of your contracts, and have your agreements and policies in writing. Read over these policies with each parent when a new child starts your child care program, have the parent sign them, give them a copy and keep the original for your records. Also, it's a good idea to post your policies where parents can see them every day, and highlight important points you want them to pay special attention to. Good communication between you and the parent is essential. However, even with a clear communication, misunderstandings can occur. Remember that you are running a business and providing a service for which you need to be paid the agreed-upon sum. When the parent fails to pay the tuition fees that are owed to you, small claims court is there to help you.

### In Napa County, small claims court is located at: Napa Superior Court

825 Brown St.

P.O. Box 880

Napa, CA 94559

Filing Hours: 8:00 A.M.-4:30 P.M.

(Allow 15 minutes for filing)

### Small Claims Court Hearings:

1195 Third St.

Napa, CA 94559

### SMALL CLAIMS LEGAL ADVISOR FOR NAPA COUNTY: TELEPHONE ONLY

(707) 253-4524

Monday-Wednesday 1:00 P.M. to 3:00 P.M.

*"The mission of Community Resources for Children is to provide resources for the early care and education of children in Napa County"*