

SMALL CLAIMS CHECKLIST – MILWAUKEE COUNTY
(CLAIM FOR MONEY, TORT/PERSONAL INJURY, REPLEVIN)
SEE DIFFERENT CHECKLIST FOR EVICTION SMALL CLAIMS FILING

FILING AND SERVICE FEES (may be waived with approved Fee Waiver)

- \$98: for filing
- \$75: for service to each person you are suing through the Milwaukee County Sheriff, if applicable

FORMS and COPIES NEEDED

- **Summons and Complaint, Small Claims** (Original and 4 copies)
NOTE: In Milwaukee County, you MUST use the form that includes both English and Spanish translations
- **Declaration of Non-Military Service** (1 for each person/business that you are suing; no copies needed)
- **Affidavit of Indigency** (“Fee Waiver”), if applicable (Original only)

SECTION A: Requesting a Fee Waiver

If you intend to request that the Court waive the filing and service fees, complete the following steps. If you are not requesting a fee waiver, move to Section B.

- Get Proof of Income or Proof of Public Assistance
 - The Milwaukee County Law Library (Room G8-1) can help print proof of FoodShare.
 - Other proof of income/assistance (1 mo. worth of pay stubs, SSI/SSDI statement, etc.) must come from your records or the issuing agency

- Take notarized fee waiver AND proof of income / public assistance to **Room 609 (Chief Judge’s Office)**

SECTION B: Filing the Action

Complete the following steps in order.

- File original documents and all copies in **Room 104 (Clerk of Court)**
 - Show approved fee waiver or pay the filing fee

- Within 8 business days of the hearing**, serve the other party or parties a copy of the Summons and Complaint.
 - If the other party lives in Milwaukee County, you can serve through the **Milwaukee County Sheriff’s Department (Safety Building, Room 102)**
 - If you are unable to use the Milwaukee County Sheriff, you may attempt service in one of the following ways:
 - Sheriff’s Department in the county where the other party lives
 - A private process server

SECTION C: Next Steps

- Save your proof that the people you are suing have been served. You **must** bring that to your hearing.
- Organize any items you want to share with the court that will support your claim. It is helpful to have two copies of documents (one to share with the court and one to share with the other party).
- Arrive to the courthouse early. Be sure to plan for travel/parking, going through security, and finding the right courtroom.
- If the matter is not resolved in front of a Small Claims Commissioner, you will have another date assigned for a hearing in front of the Judge.