

SMALL CLAIMS FAQ's

Q. Where can I file a Small Claims Case?

- You can file in any Justice court, however, if you file in the wrong location, the either party can have the case moved to the correct location.
(Precinct map can be found on Dallas County Constable's website, there are 5 precincts in Dallas County)

Q. Do I need an attorney to file a Civil Action?

- You can represent yourself or choose to obtain an attorney.

Q. How can I file my Small Claim Case?

- The first step in filing a case is to file a petition, which is a form that says who you are suing, why you are suing them, how much you are suing them for, and provides contact information.
- Justice of the Peace **4-1** accepts petitions electronically **only** via Guide & File, or E-File Texas. *Forms and more information can be found on JP 4-1 court website.*
- Justice of the Peace **4-2** is in the same building. You may contact them at 214-589-7000 for more information about filing a case with their court.

Q. What are the costs to file a Small Claims case?

- Filing fee is **\$54.00** plus service fees.
Choose 1 option.
- \$80.00 constable service fee per defendant.
- \$18.91 for certified mail per defendant.
- Private process server fees vary, and you pay that agency you choose for service.

If you cannot afford the filing fees and service fees, you may fill out a Statement of Inability to Afford Payment of Court Costs form. This form can be provided upon request.

Q. What if I have legal questions regarding my situation?

- The court cannot provide you legal advice and direct you how to proceed with your case. You may obtain legal counsel or contact a free legal service provider such as Legal Aid of Northwest Texas 1-888-529-5277.

Q. What if I can't make it to my hearing?

- A motion for continuance must be submitted at least three business (3) days prior to the hearing or it may not be considered by judge. **ALL hearings require in person appearances due to the possible complexity of each case and in fairness to all parties to present their case.**

Q. What happens if I miss my hearing?

- If the plaintiff fails to appear for their pretrial hearing/mediation or bench trial the case may be dismissed. If the defendant fails to appear for the hearings above, the plaintiff may seek a default judgment against the defendant if Judge determines plaintiff provided sufficient evidence.

Justice of the Peace 4-1 (Key Points)

- **All hearings require in-person appearances.** If you cannot appear in person for your case, you may contact another court before filing to obtain their policies for appearing to court.
- **Filing fee: \$54.00**
- **Service fee (choose 1):**
 - Dallas County Constable service fee \$80.00
 - Certified mail fee: \$18.91
 - Private process service fee: You pay the agency you choose for service.
 - If you cannot afford costs, you may file a Statement of Inability to Afford Costs with your filing. (For options 1-2) *This is subject to review by judge.*
- **Miscellaneous filings:**
 - Filings other than Petition may be electronically filed through Guide & File, or E-File Texas, or emailed to the court at JP41Civil@dallascounty.org (if there is no filing fee). **Some services requested may require a fee and must be submitted via Guide & File, E-file Texas, or in person.**
 - A copy should be provided to the other party.
- **Motion for Continuance:**
 - Must be filed at least three (3) business days prior to hearing.
 - If not timely filed, may not be considered by Judge.
 - **It is recommended to include/attach supporting documentation with motion.**
 - If granted, you are approved for that hearing only - does NOT include all future hearings.
- **Motion to Appear Virtually:**
 - All hearings require in-person appearances. If any party has a disability and/or need accommodations to appear virtual, please ensure supporting documentation is provided at the time of the submission of the motion.
 - If granted, you are approved for that hearing only - does NOT include all future hearings.

You may find more information on the Justice of the Peace 4-1 website such as forms, step-by-step instructions to filing online, and self-help packets.