

# RULES AND FORMS GOVERNING SMALL CLAIMS CASES

## Rule

1. Scope of Rules.
  2. Forms.
  3. Filing Fees.
  4. Venue. [Effective until December 1, 2021]
  4. Venue. [Effective December 1, 2021]
  5. Responsive Pleadings.
  6. Rules of Evidence.
  7. Appeals.
- Appendix of Forms

**Editor's notes.** — These rules were published on December 15, 1989 and became effective on February 13, 1990, as called for in the court order adopting the rules.

### **Rule 1. Scope of Rules.**

These rules govern procedure in small claims cases in circuit courts. Statutes governing small claims cases which are in conflict with these rules are superseded.

#### **History:**

Amended May 9, 2000, effective July 1, 2000; amended December 2, 2002, effective January 6, 2003.

#### **Cross references.** —

As to justices of the peace and constables, see chapter 4 of title 5. As to circuit courts, see chapter 9 of title 5.

### **Rule 2. Forms.**

Form No. 1, designated Small Claims Affidavit and Notice to Plaintiff and Defendant, together with Form No. 2, designated Summons with Return, attached hereto, shall be adopted for use in all circuit courts in processing small claims cases.

#### **History:**

Amended May 9, 2000, effective July 1, 2000;

amended December 2, 2002, effective January 6, 2003.

### **Rule 3. Filing Fees.**

The fee for filing small claims actions shall be ten dollars (\$10.00) in circuit courts.

#### **History:**

Amended May 9, 2000, effective July 1, 2000;

amended December 2, 2002, effective January 6, 2003.

### **Rule 4. Venue. [Effective until December 1, 2021]**

A defendant in small claims actions may only be sued in the county in which the defendant has an address. (W.S. 1-21-203)

### **Rule 4. Venue. [Effective December 1, 2021]**

A defendant in small claims actions may be sued in the county in which the defendant has an address or where the cause of action or some part thereof arose. (W.S. 1-21-203)

**History:**

Amended August 3, 2021, effective December 1, 2021.

**Rule 5. Responsive Pleadings.**

No answer nor responsive pleading shall be required in small claims actions.

**Rule 6. Rules of Evidence.**

Strict rules of evidence shall not apply in trials of small claims actions. Irrelevant, immaterial or unduly repetitious evidence shall be excluded. A court may in its discretion receive the type of evidence commonly relied upon by reasonably prudent persons in the conduct of their serious business affairs. Hearsay that is probative, trustworthy and credible may be received into evidence.

**Rule 7. Appeals.**

Appeals of small claims actions to district court shall be processed pursuant to W.R.A.P. and only on questions of law and not for a review of the sufficiency of evidence. (*Johnson v. Statewide Collections, Inc.*, 778 P.2d 93 (Wyo. 1989)).

**History:**

Amended February 23, 1999, effective June 9, 1999.

**Cross references.** — As to district courts in general, see § 5-3-101 et seq.

**APPENDIX OF FORMS**

**Form 1. Small Claims Affidavit. [Effective until December 1, 2021]**

|                       |    |                           |
|-----------------------|----|---------------------------|
| STATE OF WYOMING      | SS | IN THE CIRCUIT COURT      |
| COUNTY OF . . . . . } |    | . . . . . COUNTY, WYOMING |

.....

.....

PLAINTIFF,

VS.                                 }

.....

.....

DEFENDANT.

Docket No. ....

**SMALL CLAIMS AFFIDAVIT**

- I, ..... (the Plaintiff) being duly sworn on oath, state the Defendant is justly indebted to me in the total sum of \$..... and that said sum is due because:
 

.....

.....

.....

.....

.....

.....
- Demand for payment has been made and refused.
- The Defendant's address and phone number within this County are:
 

Address:..... Phone: .....

4. I request judgment in the amount above stated, plus costs and such other amounts as I am legally and justly entitled.

.....
(Plaintiff's Signature)
Address: .....
Phone Number: .....

Subscribed and sworn to before me this ..... day of .....,
2 .....

(SEAL) .....
Clerk of Court/Notary Public

\*\*\*\*\*

NOTICE TO PLAINTIFF AND DEFENDANT

TO THE PLAINTIFF AND DEFENDANT: You are hereby notified that this case has been set for trial. If you choose to appear, you MUST bring with you the witnesses, papers and evidence which will prove your case or defend your position.

History: Amended May 9, 2000, effective July 1, 2000; amended December 2, 2002, effective January 6, 2003.

Form 1. Small Claims Affidavit. [Effective December 1, 2021]

STATE OF WYOMING SS IN THE CIRCUIT COURT
COUNTY OF ..... } ..... COUNTY, WYOMING

.....
PLAINTIFF,
VS. } Docket No. ....
DEFENDANT.

SMALL CLAIMS AFFIDAVIT

1. I, ..... (the Plaintiff) being duly sworn on oath, state the Defendant is justly indebted to me in the total sum of \$. ..... and that said sum is due because:

.....
.....
.....
.....
.....
.....
.....

2. Demand for payment has been made and refused.
3. The Defendant's address and phone number are:
Address: ..... Phone: .....

4. I request judgment in the amount above stated, plus costs and such other amounts as I am legally and justly entitled.

.....  
(Plaintiff's Signature)  
Address: .....  
Phone Number: .....

Subscribed and sworn to before me this ..... day of .....,  
2 .....

(SEAL) .....  
Clerk of Court/Notary Public

\*\*\*\*\*

NOTICE TO PLAINTIFF AND DEFENDANT

TO THE PLAINTIFF AND DEFENDANT: You are hereby notified that this case has been set for trial. If you choose to appear, you MUST bring with you the witnesses, papers and evidence which will prove your case or defend your position.

**History:** Amended May 9, 2000, effective July 1, 2000; amended December 2, 2002, effective January 6, 2003; amended August 3, 2021, effective December 1, 2021.

**Form 2. Summons with Return.**

In the Circuit Court  
..... County, Wyoming

.....  
.....  
PLAINTIFF,  
VS. Docket No. ....  
.....  
.....  
DEFENDANT.

SUMMONS WITH RETURN

TO THE SHERIFF OF COUNTY:

You are hereby **COMMANDED** to serve a copy of this Summons and the Small Claims Affidavit upon:

Name: .....  
Location to serve: .....

Service is to be made no sooner than the ..... day of ....., 2 ....., and no later than the ..... day of ....., 2 .... If service cannot be made as directed or service is made, file your return forthwith.

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned to appear in the above Court located at: ..... on the ..... day of ....., 2 ....., at ....., ..M., and defend against Plaintiff's claim. If you fail to appear judgment may be entered against you for the amount claimed by Plaintiff. You are asked to inform the court if you intend to appear by telephoning the court Clerk at ..... or by stopping by the Clerk's office. **You do not have to appear, but you are reminded if you don't appear, judgment may be rendered against you in the amount claimed by Plaintiff.**

BY THE COURT

(SEAL)

.....  
JUDGE/CLERK

\*\*\*\*\*

R E T U R N

STATE OF WYOMING )  
 ) SS  
COUNTY OF ..... )

I, the undersigned, do hereby certify that I served a copy of this Summons together with a copy of the Small Claims Affidavit in this case upon the Defendant named above on the ..... day of ....., 2 ...., by serving the same upon the Defendant as follows: .....

.....  
.....  
.....

SHERIFF'S .....  
FEES: .....  
SERVICE: ..... SHERIFF  
MILEAGE: ..... BY:.....  
RETURN: ..... DEPUTY SHERIFF  
TOTAL: .....

**History:**  
Amended May 9, 2000, effective July 1, 2000;  
amended December 2, 2002, effective January  
6, 2003.