

FORM SUMMARY

Name of Form: Summons and Complaint - Small Claims

Form Number: SC-500

Statutory Reference: Wis. Stats. Ch. 799

Benchbook Reference: CV 42

Purpose of Form: Initiates a small claims action.

Who Completes It: Plaintiff

Distribution of Form: Original to clerk; copies to parties.

Accompanying Forms: Generally none unless plaintiff adds additional documentation for claim

New Form/Modification: Modification; last update 07/04.

Modifications: Added a check box for multiple defendants.

Comment: Form SC-500 shall not be used for consumer replevin actions. Form SC-516 – Summons for Consumer Replevin follows the statutorily mandated language and must be used to initiate a consumer replevin action.

Act 138 created §218.04(9j), allowing collection agencies to consolidate accounts from multiple creditors relating to a particular debtor, to file an action on behalf of the creditors.

Note: Under Wis. Stats. §799.04(2), small claims actions filed in Milwaukee County must be done on a bilingual summons and complaint. RMC has no bilingual summons and complaint. The Milwaukee County form should be used in these actions.

Wis. Stats. §799.22(4) allows local courts to adopt a rule for appearances by telephone. Because RMC has no control over which counties may adopt such rules, nor what the specific rules might require, no reference has been made on this form to allow for telephone appearances. If a particular county has such a rule, however, that county should create an attachment to this Summons and Complaint explaining the rule and the requirements.

Questions have arisen whether the complaint must be verified. Although not required to commence the action, a verified complaint allows the court to enter a default judgment without any further action or proceeding. If the complaint is not verified, upon a default the court would have to hear testimony under oath or receive affidavits to support the claim before a judgment can be entered. Providing the opportunity to verify the complaint at the time of filing expedites the process.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.