



Small Claims Tune Up Tips

Frequently Asked Questions

What is considered “consumer debt?”

“Consumer debt” is a broad term which can include credit card debt, medical debt, personal loans, car loans, money damages from uninsured car accidents, and student loans.

Child support, spousal support, criminal fines, business debt, unpaid taxes, and restitution are not considered “consumer debt.”

What can a creditor do if they have a money judgment against me?



A creditor with a money judgment has a variety of tools at their disposal to try and collect the debt. One of the more common methods creditors use is wage garnishment. With this method, the creditor is able to collect up to 25% of your paycheck before you receive it. Wage garnishment happens in 13 week increments. If you are receiving public benefits, you may be exempt from wage garnishment.

I’m being sued in small claims court. Can I ignore it?

If you receive a summons and complaint and do not respond to it in time, the court is likely to enter a default judgment against you. The Court assumes that if you disagreed or wanted to contest the facts or amount of money the other party claims you owe, you would have shown up or responded to the complaint.

If you do not want a default judgment to be entered against you, you must respond to the complaint! The Legal Tune Up tool can help you figure out how to proceed according to your local county rules.

If you have already received a default judgment in small claims court, your options may be limited. You can ask the court to reopen your case by filing a “motion to reopen.” In this motion, be prepared to explain why you did not respond to the complaint and what defenses you would raise if the case was reopened.

Wisconsin small claims court procedure sets a strict one-year time limit on motions to reopen default judgements. Even within the one-year time frame, the court may not agree to your motion to reopen.

How can the Legal Tune up tool help with my consumer debt?

The legal tune up tool currently has three features that might be able to help you with your consumer debt:

- If you are being sued in small claims court, the tool can help you figure out how to file an answer with the court if you wish to dispute the lawsuit.
- It can send you text reminders to your upcoming court dates
- It can help you fill out and send letters to creditors to end debt collection harassment.

What is CCAP?

CCAP stands for Consolidated Court Automation Program. It’s Wisconsin’s free, public, online court record website. Users can search for case records and information here:

<https://www.wicourts.gov/casesearch.htm>



What is the difference between Small and Large Claims court?

The main differences between the two court systems are:

The amount of money involved

Cases where the money owed is less than \$10,000 are handled in small claims court. Eviction proceedings are also held in small claims court, though they often have separate court procedures.

Large claims court handles cases where the money owed is more than \$10,000, appeals from government agencies, and other more complicated civil cases.

The speed at which cases are resolved

Small claims courts a large volume of cases. They are typically resolved much faster than in large claims court and are often cheaper to litigate and resolve.

The legal procedures followed by the court

Many small claims cases are handled by a court commissioner, rather than by a judge.

Many people represent themselves in small claims actions (pro se). It is more common in Large claims court to have an attorney, though legal representation is not required in either, nor is it provided by the State, as it can be in criminal cases. While small and large claims court may share some of the same rules, small claims court favors efficiency and finality.