

Small Claims – Statement of claim and notice for security deposit disputes

**In the Small Claims Division of the
District Court of the First Circuit
_____ Division
State of Hawai‘i**

Please read these instructions before you start the form

How to use this form

Use this form to file a small claims case if you want your landlord to return the security deposit from a residential lease.

When you file this form, you are called the **Plaintiff**. Your landlord will be the **Defendant**.

This form is 3 pages and has 2 parts:

Part I: The **Statement of Claim**, including your sworn statement about your situation (called a **Declaration**).

Fill out Part I to give the Court the details about your case and to tell the Court what you would like to happen.

Part II: A **Notice of Hearing**. The Court Clerk will use this part of the form to schedule a hearing for your case. At the hearing, you will be able to present evidence and tell the Judge why you should win this case. The Defendant will have the same opportunity.

When you have finished the form and the Court has scheduled a hearing, you must deliver a copy of the full form to the Defendant. You can find more information on the **Service of Process Information Sheet**.

Case number:

Part I

STATEMENT OF CLAIM

1

Give the Court your contact information and as much of your landlord's contact information as you can.

Your
name:

Landlord's
name:

Your full
address,
telephone
number,
and email:

Landlord's
full address,
telephone
number, and
email:

2

Give the Court information about the money that your landlord owes you.

My landlord owes me this much
of my deposit:

\$

I moved out on this
date:

Month

Day

Year

<input type="text"/>	<input type="text"/>	<input type="text"/>
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This is why my
landlord owes
me the money:
(Add another sheet
if necessary)

3

Read the information below and then sign the Declaration.

I would like the Court to order my landlord to pay me the amount I listed on the first page.

I would also like the Court to order my landlord to pay me interest, costs, and fees that the Court believes are just and reasonable. I understand that if the Judge finds that my landlord wrongfully and willfully kept all or part of my security deposit, the Judge may order the landlord to pay me three times the security deposit, which is allowed by Hawai'i Revised Statutes § 521-44(h).

PLAINTIFF'S DECLARATION

The information in this claim is true and correct. I understand that I may be prosecuted for perjury if I have stated anything in this form that I know is not true.

Your
signature:

Today's date:

Part II

NOTICE OF HEARING

4

Fill in the landlord's name below and then take or mail the form to the Court. Court staff will schedule a hearing and will fill out the rest of Part II.

To:
(Landlord's name)

The Plaintiff has filed this Statement of Claim. A Judge will review evidence and hear arguments from both the Plaintiff and the Defendant at the place and time stated here:

Place:	Honolulu Division	Kauikeaouli Hale - 1111 Alakea Street, Honolulu – 10th Floor
	Ewa Division	870 Fourth Street, Pearl City, Honolulu, Hawai'i
	Ko'olaupoko/Ko'olauloa Division	45-939 Po'okela Street, Kāne'ohe, Hawai'i
	Wahiawā or Waialua Division	1034 Kilani Avenue, Wahiawā, Hawai'i
	Wai'anae Division	4675 Kapolei Parkway, Kapolei, Hawai'i

Date & time:

If you need to mail or deliver anything to the Court, use this address, even if your hearing is at another location:

1111 Alakea Street, Honolulu, Hawai'i 96813 – Third Floor

Clerk's
signature:

Today's date:

Here is more information to help both parties prepare for the hearing.

What if I don't come to the hearing?

If you are the landlord and you do not come to the hearing, the Court may order you to pay the Plaintiff the amount requested in the Statement of Claim. This is called a Default Judgment.

If you are the Plaintiff and you do not come to the hearing, the Court may dismiss your case.

May I hire an attorney?

No. An attorney may not represent either party in the Small Claims Division for security deposit cases.

May I bring witnesses and documents to support my case to the hearing?

Important if you are filing in the 2nd Circuit (Maui, Moloka'i & Lana'i): Yes. If you plan to question witnesses, they must come to the hearing at the date and time shown above. You may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the hearing. **Important: If you are filing in the 1st, 3rd or 5th Circuits (Oahu, Big Island, Kauai):** No, the hearing is not a trial and witnesses do not need to be present. If and when the Judge schedules your case for trial, witnesses must come to court on the trial date. At trial, you may also ask the Judge to look at documents that support your case. You must bring those documents, with at least 2 copies, to the trial.

How can I make sure my witnesses show up for the hearing?

The Court can help you make sure a witness comes to the hearing by issuing a subpoena. If you wish to subpoena witnesses, contact the Court Clerk as soon as possible before the hearing.

If I lose the case, may I appeal it?

No. In a small claims action, the Judge's decision is final. You **MAY NOT** appeal a judgment of the Small Claims Division.

Instructions to the Plaintiff about delivering this form your Landlord.

You must deliver a full copy of this form to the Defendant, either by registered or certified mail, with restricted delivery, or by personal service. Please read the Instructions on the **Service of Process Information Sheet** carefully before you try to serve the Landlord.

Restriction on personal service: This claim may not be personally delivered between 10:00 p.m. and 6:00 a.m. unless it is served at a location that is open to the public or unless a Judge of this Court, by written order, permits personal delivery during those hours.

Americans with Disabilities Act Notice



If you need an accommodation for a disability when participating in a court program, service or activity, please contact the ADA Coordinator as far in advance as possible to allow time to provide an accommodation.

Call First Circuit (Oahu) (808) 538-5121; Second Circuit (Maui) (808) 244-2855; Third Circuit (Hawaii Island): Hilo (808) 961-7629, Kona (808) 961-7629; or Fifth Circuit (Kauai) (808) 482-2347; or send an e-mail to adarequest@courts.hawaii.gov. The ADA Coordinator will work to provide, but cannot guarantee, the requested auxiliary aid, service or accommodation.