

INFORMATION SHEET - FILING IN SUPERIOR COURT VS. DISTRICT COURT

What if I don't see my case type listed on either version of the CIV-125 or in TrueFiling?

These civil case types do **not** need a CIV-125D or CIV-125S included when you file:

- Commitment or detention of another person for a mental health evaluation
- Wills, trusts, or estates
- Guardianship, conservatorship, or adoption
- Requesting a domestic violence, stalking, or sexual assault protective order
- A small claim
- Dissolutions of Marriage (all other domestic relations cases **do** require a CIV-125S)

Some of these case types are also unavailable in TrueFiling. If you want to open one of these types of cases, check the court's website or ask your local court clerk for more information on how to do so.

The following case types must *always* be filed in Superior Court (CIV-125S):

- Domestic relations / Family law (examples: divorce, paternity, & court-ordered parenting plans)
- Change of name
- Wrongful death
- Employment discrimination
- Disputes about land, buildings, or property lines (other than foreclosure as below)
- Appeals from district court or administrative (government) agency decisions
- Writs of habeas corpus

If my case type is listed twice in the TrueFiling menu (or is on both CIV-125 versions), do I choose District Court or Superior Court?

- If you want an injunction (a court order to stop someone from doing something), choose Superior Court (CIV-125S), regardless of the amount of any money you may also be asking for
- If you want a court order to compel someone to do something (other than pay you money or return your personal property), choose Superior Court (CIV-125S), regardless of the amount of any money you may also be asking for
- If you want post-conviction relief from a crime or criminal sentence, file in the same court (District or Superior) that entered the judgment/conviction
- If you have a coroner case (such as unclaimed body), choose District Court (CIV-125D)
- If you are suing for money (damages) in an amount:
 - \$100,000 or less (not including court costs, interest, and attorney's fees), choose District Court (CIV-125D)
 - more than \$100,000 (not including court costs, interest, and attorney's fees), choose Superior Court (CIV-125S)
- If you are suing for return of personal property (not land or a building) worth:
 - \$100,000 or less, choose District Court (CIV-125D)
 - more than \$100,000, choose Superior Court (CIV-125S)
- If you want to evict a tenant and are **also** asking for money (damages) in an amount:
 - \$100,000 or less (not including court costs, interest, and attorney's fees), choose District Court (CIV-125D)
 - more than \$100,000 (not including court costs, interest, and attorney's fees), choose Superior Court (CIV-125S)
- If you want to foreclose on real estate and the amount in arrears is:
 - \$100,000 or less, choose District Court (CIV-125D)
 - more than \$100,000, choose Superior Court (CIV-125S)

These are not all of the possible case types that can be filed. If you have a case that does not fit these descriptions, and you can't find it on either of the CIV-125 forms or drop-down menus in TrueFiling, you may want to contact a lawyer for help. Your local court clerk may be able to help you with some routine procedures, but court staff cannot give you legal advice, interpret the law or facts for you, or tell you what type of case to file.