INMATE SMALL CLAIMS ACTIONS

2011 Senate Bill 77 changed the law for certain small claims actions filed by inmates. An inmate who brings a small claims action against a public body must serve the notice and claim (and all subsequent filings) on the public body.

If the public body is the Department of Corrections or another state agency, the inmate must also serve the notice and claim on the Attorney General.

The public body or Attorney General must admit or deny the claim as required by ORS 46.455 within 30 days after the date of service.

The Department of Corrections and other state agencies (including their officers, employees and agents) may appear in the small claims action through an attorney or paralegal employed by the Department of Justice.

Upon the request of the public body or Attorney General, the court must transfer an inmate's small claims action to the regular department of the circuit court regardless of the amount in controversy and notwithstanding ORS 46.405.

An inmate must file and serve the public body or Attorney General with a notice of intent to apply for an order of default at least 10 days before the court approves the default. Before the court can enter a default judgment, the inmate must submit to the court an affidavit of proof of service of the notice and claim and if the notice of intent to apply for an order of default.

An inmate cannot file an action against another inmate in the small claims department.

Justice courts have no jurisdiction for actions filed by inmates.