

HOW TO PREPARE AND SEND AN ANSWER/RESPONSE TO COMPLAINT/PETITION

What is an *Answer/Response to Complaint/Petition*?

- It is your written response to the claims in the Plaintiff/Petitioner's Complaint/Petition.
- The Plaintiff/Petitioner is the person or company suing you and is named first in the court papers.
- The Complaint/Petition is the document that the Plaintiff/Petitioner filed and served upon you with the *Summons*. The Complaint/Petition explains the reasons the Plaintiff/Petitioner is suing you.
- Your *Answer/Response to Complaint/Petition* tells the court whether you agree or disagree with the Plaintiff/Petitioner's reasons for suing you.

Is there a deadline for filing an *Answer/Response to Complaint/Petition*?

Yes. The *Summons* you received will tell you the deadline for filing your *Appearance* and *Answer/Response to Complaint/Petition*. For instructions on how to file your *Appearance* see also *How to File an Appearance* at: <http://www.illinoiscourts.gov/Forms/approved/>.

- Your *Answer/Response to Complaint/Petition* is usually due at the same time as your *Appearance*.
- The *Summons* might give you a specific time frame for filing your *Answer/Response to Complaint/Petition*: – for example, within 7 or 30 days of when you received the Plaintiff/Petitioner's Complaint/Petition.
- If the lawsuit is for money and involves more than \$10,000 and up to \$50,000, the *Summons* will tell you to appear in court at a specific date and time. You must file your *Answer/Response to Complaint/Petition* within 10 days of the date you appear in court.

Please be aware that if you have a legal reason to challenge the way the *Summons* and Complaint/Petition were received by you (service of process), or a legal reason to have the Complaint/Petition dismissed, you need to file a *Motion* before you file your *Answer/Response to Complaint/Petition*. 735 ILCS 5/2-301; 735 ILCS 5/2-615. You should consult with an attorney about whether you have a legal reason to challenge how the Complaint/Petition was received or whether you have a legal reason to have it dismissed. The blank *Motion* form can be found at: <http://www.illinoiscourts.gov/Forms/approved/>.

Does everyone who receives a *Summons* and Complaint/Petition have to file an *Answer/Response to Complaint/Petition*?

There are two kinds of cases where you must appear in person but are not required to file a written *Answer/Response to Complaint/Petition*:

- The lawsuit is for money and involves \$10,000 or less

(this is called a small claims case).

- An eviction lawsuit (also called Forcible Entry and Detainer).

Although you are not required to file an *Answer/Response to Complaint/Petition* before you go to court for these types of cases, the judge might order you to file an *Answer/Response to Complaint/Petition* after you go to court.

Where can I find the forms I need?

You can find the forms at:

<http://www.illinoiscourts.gov/Forms/approved/>

What costs will I need to pay to file my *Answer/Response to Complaint/Petition*?

- You may be required to file an *Appearance* at the same time you file your *Answer/Response to Complaint/Petition*. There is a fee for filing the *Appearance*. An *Appearance* form can be found at: <http://www.illinoiscourts.gov/Forms/approved/>.
- Some courts do not require an *Appearance*. If your court does not require an *Appearance*, you will be charged an *Appearance* fee for filing your *Answer/Response to Complaint/Petition*.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

What happens if I am required to file an *Answer/Response to Complaint/Petition* but I don't?

The judge will find you in default and may rule in favor of the Plaintiff/Petitioner.

What if I think I may have Affirmative Defenses or Counterclaims?

An affirmative defense is a legal reason why you are not responsible to the Plaintiff/Petitioner. If you have affirmative defenses, you have to include them in your *Answer/Response to Complaint/Petition*. Examples of affirmative defenses include:

- that the Plaintiff/Petitioner waited longer than the law allows to file the Complaint/Petition; OR
- that the claim was already brought and resolved by another, earlier judgment. 735 ILCS 5/2-613

These are just a few examples of affirmative defenses. Counterclaims are legal claims that you have against the Plaintiff/Petitioner regarding the issues in this case.

The counterclaim must be filed at the same time as your *Answer/Response to Complaint/Petition*. 735 ILCS 5/2-608.

You may want to consult with a lawyer about whether you have affirmative defenses or counterclaims.

What do I do after I fill out the *Answer/Response to Complaint/Petition* form?

Step 1: File your *Answer/Response to Complaint/Petition* with the Circuit Clerk in the county where the court case is filed.

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, or (2) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
 - Fill out a *Certification for Exemption from E-Filing* found here: www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your *Answer/Response to Complaint/Petition*, and the *Certification*, with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your form.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: Send a copy of your *Answer/Response to Complaint/Petition* to the other parties.

- You must send your *Answer/Response to Complaint/Petition* to the other parties in the case. If a party has a lawyer, send the *Answer/Response to Complaint/Petition* to the lawyer.
- You may send *Answer/Response to Complaint/Petition* to the other parties by personal hand delivery, by mail, third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider. You may e-mail your *Answer/Response to Complaint/Petition* to a party

if they have listed their e-mail address on a court document. Complete the proof of delivery with information to show how you sent the *Answer/Response to Complaint/Petition* to each party. The *Answer/Response to Complaint/Petition* has room for 3 parties. If you are sending *Answer/Response to Complaint/Petition* to more than 3 parties, fill out and file one or more *Additional Proof of Delivery* forms with your *Answer/Response to Complaint/Petition*.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY	ANSWER/RESPONSE TO COMPLAINT/PETITION	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person or company that filed this case as Plaintiff/Petitioner. Enter your name as the Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner <i>(First, middle, last name or Company)</i> v. _____ Defendant / Respondent <i>(First, middle, last name)</i>	_____ Case Number

In 1, enter your full name.

In 2, enter the number and letter of each paragraph and subparagraph in the Complaint/Petition.

- Check "Admit" if you agree all of the statements in the paragraph are true; or
- Check "Deny" if you disagree with any of the statements in the paragraph; or
- Check "Do Not Know" if you do not know if all of the statements in the paragraph are true or false. This means you do not have enough information to truthfully admit or deny the statements.

If you run out of space, list additional paragraphs on an *Additional Paragraphs for Answer/Response to Complaint/Petition* form, check the box, and file it with this form.

735 ILCS 5/2-605(a) requires that if the Complaint/Petition is verified by oath that the *Answer/Response to Complaint/Petition* must also be verified.

1. My name is: _____
First
Middle
Last
 and I am the Defendant/Respondent.

2. My Answer/Response to Complaint/Petition is:

Paragraph Number	Subparagraph Letter <i>(if applicable)</i>	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
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_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know
_____	_____	<input type="checkbox"/> Admit	<input type="checkbox"/> Deny	<input type="checkbox"/> Do Not Know

I have listed additional statements on the *Additional Paragraphs for Answer/Response to Complaint/Petition* form.

If the Complaint/Petition is verified by oath, then I certify that my answers above are true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Enter the Case Number given by the Circuit Clerk: _____

735 ILCS 5/2-610(b) requires that you swear to a lack of knowledge if you cannot admit or deny any of the statements in the Complaint/Petition.

II. Supreme Court Rule 137 requires the Answer/Response to Complaint/Petition be signed.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Where I answer "Do Not Know" to paragraphs in section 2, above, I certify that I do not have enough information to admit or deny the statements in these paragraphs. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ _____
Your Signature Street Address

Your Name City, State, ZIP

Telephone

GETTING COURT DOCUMENTS BY EMAIL: If you agree to receive court documents by email, check the box below and enter your email address. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates. Other parties may still send you court documents by mail.

I agree to receive court documents at this email address during my entire case.

Email

PROOF OF DELIVERY

In 1a, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In 1b, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

1. I sent this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

Name of prison or jail

Enter the Case Number given by the Circuit Clerk: _____

In c, fill in the date and time that you sent the document.

In 2, if you sent the document to more than 1 party or lawyer, fill in a, b, and c. Otherwise leave 2 blank.

c. On: _____
Date
At: _____ a.m. p.m.
Time

2. I sent this document:

a. To:
Name: _____
First Middle Last
Address: _____
Street, Apt # City State ZIP
Email address: _____

b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox
 Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address
 The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
 Email (not through an EFM or EFSP)
 Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date
At: _____ a.m. p.m.
Time

3. I sent this document:

a. To:
Name: _____
First Middle Last
Address: _____
Street, Apt # City State ZIP
Email address: _____

b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox
 Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address
 The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
 Email (not through an EFM or EFSP)
 Mail from a prison or jail at:

Name of prison or jail

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

Enter the Case Number given by the Circuit Clerk: _____

If you sent your document to more than 3 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

c. On: _____
Date

At: _____ a.m. p.m.
Time

I have completed an *Additional Proof of Delivery* form.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.