

# Getting Started

## Answer/Response to Complaint/Petition

**IMPORTANT:** This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Answer/Response to Complaint/Petition* form in your case. Your use of this form does not guarantee you will be successful in court.

To learn how to fill out the form and file it with the court, read the *How to Prepare and Send an Answer/Response to Complaint/Petition* instruction sheet and the instructions on the form.

<b>Name of the form:</b>	<ul style="list-style-type: none"><li>• <i>Answer/Response to Complaint/Petition</i></li><li>• <i>Additional Paragraphs for Answer/Response to Complaint/Petition</i> (if needed)</li></ul>
<b>Purpose of the form:</b>	Use this form to respond to the claims that the Plaintiff/Petitioner made in the Complaint/Petition. The <i>Answer/Response to Complaint/Petition</i> is where you say whether you agree or disagree with what the Plaintiff/Petitioner is claiming.
<b>Types of cases the form CAN be used for:</b>	All civil cases that do not have their own specialized answer forms. For example, you would use this <i>Answer/Response to Complaint/Petition</i> in civil cases like family law, lawsuits for injury or property damage, or debt collection cases. But if you are involved in mortgage foreclosure, you should use the <i>Mortgage Foreclosure Appearance and Answer</i> form. Check <a href="http://illinoiscourts.gov/documents-and-forms/approved-forms">illinoiscourts.gov/documents-and-forms/approved-forms</a> for a list of approved answer forms by case type.
<b>Types of cases the form CANNOT be used for:</b>	All criminal, traffic, and juvenile justice cases.
<b>Cost to File the form:</b>	There is a fee for filing. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the <i>Application for Waiver of Court Fees</i> found at: <a href="http://illinoiscourts.gov/documents-and-forms/approved-forms">illinoiscourts.gov/documents-and-forms/approved-forms</a>
<b>Special information or papers needed to complete the form:</b>	You will also need to know <i>How to File an Appearance</i> because the <i>Answer/Response to Complaint/Petition</i> is usually due when you file your <i>Appearance</i> .
<b>Statutes covering the form:</b>	<a href="#">Illinois Supreme Court Rules</a> : 13, 101, 104, 131, 136, 137, 138, 181, 183, 281, 286. Illinois Statute: <a href="#">735 ILCS 5/2-601 et seq</a> ; <a href="#">735 ILCS 5/9-106.2</a> ; <a href="#">735 ILCS 5/2-301</a> ; <a href="#">735 ILCS 5/2-615</a> ; <a href="#">735 ILCS 5/2-619</a>
<b>Where to find the form and instruction sheet:</b>	<a href="http://illinoiscourts.gov/documents-and-forms/approved-forms">illinoiscourts.gov/documents-and-forms/approved-forms</a>
<b>For more information:</b>	Read the <i>How To Prepare and Send an Answer/Response to Complaint/Petition</i> instruction sheet that comes with this form. You may also find more information, resources, and the location of your local county self help center at: <a href="http://www.illinoislegalaid.org/legal-information/responding-lawsuit">www.illinoislegalaid.org/legal-information/responding-lawsuit</a> .

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

**NOTE:** If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at [illinoislegalaid.org/lexicon/glossary](http://illinoislegalaid.org/lexicon/glossary). For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

## 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: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms).

- 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: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms).

## 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 (formerly 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.

## What forms do I need to fill out?

The *Answer/Response to Complaint/Petition*. The email address (if you have one) and mailing address you put on the *Answer/Response to Complaint/Petition* is where important legal documents will be sent to you. 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, notice of court dates, or documents from other parties.

## Where can I find the forms I need?

You can find the forms at: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms)

## 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: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms).
- 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 or at a reduced cost by filing the *Application for Waiver of Court Fees*. This is a separate set of forms you can find at: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms).

### **What happens if I am required to file an Answer/Response to Complaint/Petition but I do not?**

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, (2) you have a disability that keeps you from e-filing, or (3) 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 trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
  - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: [illinoiscourts.gov/documents-and-forms/approved-forms](#).
  - 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 [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: [illinoiscourts.gov/self-help/how-to-e-file/](#).
- If you do not have access to a computer or if you need help e-filing, take your forms to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
  - You can bring your forms 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.
- If you and the person you're sending the *Answer/Response to Complaint/Petition* to have an email address, you must send it by email or by notification through the e-filing system. If you or the person you're sending the *Answer/Response to Complaint/Petition* to does not have an email address, you may give it to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>	<b>ANSWER/RESPONSE TO COMPLAINT/PETITION</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> 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.	_____ <b>Plaintiff / Petitioner</b> (First, middle, last name or Company)  v.  _____ <b>Defendant / Respondent</b> (First, middle, last name)	_____ <b>Case Number</b>

In <b>1</b> , enter your full name.
In <b>2</b> , enter the number and letter of each paragraph and subparagraph in the Complaint/Petition. <ul style="list-style-type: none"> <li>• Check “Admit” if you agree all of the statements in the paragraph are true; or</li> <li>• Check “Deny” if you disagree with any of the statements in the paragraph; or</li> <li>• 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.</li> </ul>

**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>		Admit	Deny	Do Not Know
_____	_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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_____	_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	_____		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

\_\_\_\_\_  Admit  Deny  Do Not Know  
\_\_\_\_\_  Admit  Deny  Do Not Know

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

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.

**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](#).**

[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.

**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](#).**

[IL Supreme Court Rule 137](#) requires the *Answer/Response to Complaint/Petition* be signed.

/s/ \_\_\_\_\_  
Your Signature Street Address

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.

\_\_\_\_\_  
Your Name City, State, ZIP

Enter your complete address, telephone number, and email address, if you have one.

\_\_\_\_\_  
Telephone Email

\_\_\_\_\_  
Attorney # (if any)

**GETTING COURT DOCUMENTS BY EMAIL:** 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, notice of court dates, or documents from other parties.

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

### PROOF OF DELIVERY

1. I am sending the *Answer/Response to Complaint/Petition*

a. To:  
Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_

b. By:  
 An approved electronic filing service provider (EFSP)  
 Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

In **1b**, check the box to show how you are sending the document.  
**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

- Personal hand delivery to:
  - The party
  - The party's family member who is 13 or older, at the party's residence
  - The party's lawyer
  - The party's lawyer's office
- Mail or third-party carrier

c. On: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date Time*

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

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

2. I am sending the *Answer/Response to Complaint/Petition*

a. To:  
Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email \_\_\_\_\_

In 2a, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

- b. By:
- An approved electronic filing service provider (EFSP)
  - Email (*not through an EFSP*)  
*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*
  - Personal hand delivery to:
    - The party
    - The party's family member who is 13 or older, at the party's residence
    - The party's lawyer
    - The party's lawyer's office
  - Mail or third-party carrier

In 2b, check the box to show how you are sending the document.

**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

c. On \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date Time*

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

If you are sending your document(s) to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with

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

**I certify that everything in the *Proof of Delivery* is true and correct. I understand that a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

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.

\_\_\_\_\_  
*/s/ Your Signature Street Address*

\_\_\_\_\_  
*Print Your Name City, State, ZIP*

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.

\_\_\_\_\_  
*Email Telephone*

Enter your complete address, telephone number, and email address if you have one.

**GETTING COURT DOCUMENTS BY EMAIL:** 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, notice of court dates, or documents from other parties.