

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.

Name of the form:	<ul style="list-style-type: none">• <i>Answer/Response to Complaint/Petition</i>• <i>Additional Paragraphs for Answer/Response to Complaint/Petition</i> (if needed)
Purpose of the form:	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.
Types of cases the form CAN be used for:	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 http://www.illinoiscourts.gov/Forms/approved/ for a list of approved answer forms by case type.
Types of cases the form CANNOT be used for:	All criminal, traffic, and juvenile justice cases.
Cost to File the form:	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: http://www.illinoiscourts.gov/Forms/approved/
Special information or papers needed to complete the form:	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> .
Statutes covering the form:	Illinois Supreme Court Rules: 13 , 101 , 104 , 131 , 136 , 137 , 138 , 181 , 183 , 281 , 286 . Illinois Statute: 735 ILCS 5/2-601 et seq ; 735 ILCS 5/9-106.2 ; 735 ILCS 5/2-301 ; 735 ILCS 5/2-615 ; 735 ILCS 5/2-619
Where to find the form and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	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: http://www.illinoislegalaid.org/AppearanceAnswer# .

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

Find Illinois Supreme Court approved forms at: <http://www.illinoiscourts.gov/Forms/approved/>.

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 form with the Circuit Clerk in the county where the court case is filed.

- Make copies of your forms for yourself and each party in the case.
- Call the Circuit Clerk and ask how much it will cost to file your forms and the types of payment (cash, check, credit, online) they take.
- If you cannot afford the fee, fill out and file an *Application for Waiver of Court Fees* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
- In most counties it is best to file your forms with the Circuit Clerk in person but in certain counties, you must file online. Check with your Circuit Clerk: <http://www.ilcourtclerks.org/illinois-court-clerks/>
- The Circuit Clerk will stamp your forms. This stamp is your proof that the forms were filed with the court.
- How to File In Person
 - Go to the courthouse in the county where your court case should be filed.
 - Give the Circuit Clerk your original forms and the copies to stamp.
 - The Circuit Clerk will keep the original forms and give back your copies.
 - Pay the filing fee or file your *Application for Waiver of Court Fees*.
- How to File By Mail
 - If you will be asking for a fee waiver, there may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
 - In Cook County, you must go in person to have your fees waived.
 - If you do not need to appear in person, mail your original forms including your *Application for Waiver of Court Fees* and one copy to the Circuit Clerk to stamp.
 - If you do not need to have your fees waived, mail your original forms and one copy to the Circuit Clerk to stamp.
 - Include the *Letter to the Circuit Clerk* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
 - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the copy to you.

- How to File Online
 - Check your local Circuit Clerk's website to see if online filing is an option for you at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
 - Follow the instructions for filing online provided by the Circuit Clerk.
 - Pay the filing fee as instructed online or file your *Application for Waiver of Court Fees*.
 - Even if you can file online, you may have to appear in person to apply for a fee waiver. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.

Step 2 – Send a copy of your form to the other parties.

- After filing, you must send a copy of your form to each party in the case.
- If a party has a lawyer, send the copies to the lawyer.
- You may hand-deliver or mail your form to the other parties. If they have agreed, you may email your forms. The *Proof of Delivery* on your form must state the way you sent them.
- You must send your copies by 5:00 p.m. on the date you file your form even if you are filing by mail or online.
- Keep one copy of the form that was stamped by the Circuit Clerk for your own records.

[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.

[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.

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

After you finish this form, sign and print your name.

Enter your complete current address and telephone number.

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](#).

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](#).

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 by email.

Email

In 2, enter the date you send this form to the other parties. You must send this form by 5:00 p.m. on the same day it was filed with the Circuit Clerk.

In 3, enter the full name and address of the parties or lawyers you are sending a copy of this form to, and check if you will send copies of this form by hand, by mail, or by email.

If a party has a lawyer, you must send a copy of this form to the lawyer.

CAUTION: You may only send this form by email if the other party has agreed to receive documents in the lawsuit by email.

Proof of Delivery

1. I sent the *Answer/Response to Complaint/Petition*.

2. At or before 5:00 P.M. on: _____, 20 _____
Date

3. To:

Name:

First Middle Last

Address:

Street, Apt # City State ZIP

Email: _____

By:

- Hand Delivery
- Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
- Email

Enter the Case Number given by the Circuit Clerk: _____

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

- By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

- By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

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.

After you finish this form, sign and print your name.

I certify that everything in the *Proof of Delivery* 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](#).

Your Signature

Your Name