

## INSTRUCTIONS FOR FILING AN ANSWER

### What is an Answer?

The Answer is the defendant's response to the plaintiff's Complaint. The Answer tells the court which parts of the Complaint you agree with and which parts you disagree with. The Answer form also allows you to tell the court if you think it does not have [jurisdiction](#) to make a decision, and to [counterclaim](#) by asking for what you want.

### What will happen if I do not file one?

If you do not file an Answer, the plaintiff may ask the court to [default](#) you and finish the case without your participation.

### Do I need to tell the court why I disagree with the plaintiff?

No. Both the Complaint and Answer should contain the facts: who everyone is, and what you want. At this point, no one has to justify anything or explain what happened. If the case is [contested](#), you will have the opportunity to make your arguments at [trial](#).

### How do I fill out the Answer form?

It will be a lot easier to fill out the Answer if you first glance through the form and the plaintiff's Complaint to see how they are structured. Keep the plaintiff's Complaint and the Answer form in front of you.

1. Start with the plaintiff's Complaint. It will probably have two sections:
  - the "Complaint";
  - the "Request for Relief" or "Prayer for Relief."
2. Next, look at the Answer form. It has four sections:
  - the "Answer," which is one section where you respond to what the Complaint stated;
  - the "Affirmative Defenses," where you state any arguments that challenge the plaintiff's right to bring the case;
  - the "Counterclaim," which is where you provide information about what you want to happen with the marital property and debt and/or children (depending on the type of case you have);
  - the "Request for Relief" or "Prayer for Relief" or which tells the court what specific things you want ordered.
3. Once you understand the layout of the Complaint and the Answer, you are ready to fill out the Answer. Keep the Complaint in front of you because you will need to refer to it as you go through the Answer form.
  - At the top of the Answer, write your name, mailing address and contact phone number and email address. Then fill out the rest of the top portion called the caption exactly as it is filled out on the Complaint, i.e. location of court, plaintiff's name, defendant's name and case number.
  - Once you have the top portion of the Answer filled out, check the appropriate boxes in the Answer section. Look at each paragraph in the Complaint and decide whether you agree, disagree, or are not sure. Mark the appropriate box on the Answer, and if you disagree with any of the paragraphs in the Complaint, state which numbered paragraphs.

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- The next section is called the [Affirmative Defenses](#). An affirmative defense is facts and arguments that attack the plaintiff's legal right to bring the court case. The affirmative defense might win for the defendant even if everything in the plaintiff's Complaint is true. If you are unsure whether an affirmative defense might apply to you, you are strongly encouraged to [consult with an attorney](#) because this is a very complicated and important area. If you have no affirmative defenses, mark the box at the beginning of the section that states "I have no affirmative defenses" and go to the next page.
- The next section is called the "[Counterclaims](#)." In this section, you tell the court your version of the facts and what you want. If you agree with everything in the Complaint and do not have any counterclaims, mark the box at the beginning of the section that says "I have no counterclaims" and go to the last section.
- The last section is the "Request for Relief" or "Prayer for Relief." Fill in the information to let the court know what you want ordered.

4. When all four sections are complete (the Answer, the Affirmative Defenses, the Counterclaims and the Request for Relief), sign the form and prepare any other necessary documents.

Information Sheet, [DR-314](#). (required)

If you have children, fill out:

Child Custody Jurisdiction Affidavit, [DR-150](#). (required if you have children)

Child Support Guidelines Affidavit, [DR-305](#) [Fill- PDF]. (required if you have children) In

Complete the [certificate of service](#) at the end of the Answer form so that the court knows when you sent a copy of all filed documents to the plaintiff. (required)

5. Make 2 copies of everything - one for you and one for the plaintiff. File the original Answer and attachments at the court, and mail one set of copies to the plaintiff by first class mail. You do not have to use certified mail and can use first class mail to [serve](#) the plaintiff all documents you file for the rest of the case.

6. Keep your copies and any other copies of documents dealing with this case in a folder for future reference.