

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. 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 icourthelp.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.

- 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.

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

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.
- 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.

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).