

HOW TO ANSWER OR RESPOND TO A COURT CASE

1

FILL OUT AND FILE THE REQUIRED FORMS.

Your *Answer or Response* is your written response to a Complaint or Petition filed by another party in the case. The *Answer or Response* tells the court whether you agree or disagree with the information in the Complaint or Petition.

Don't explain why you agree or disagree in the *Answer*. You will explain your reasons later in the case.

If you have affirmative defenses or counterclaims, fill out and separately file an *Affirmative Defenses* or *Counterclaims* form. You file these forms at the same time as your *Answer*.

2

SEND A COPY TO OTHERS IN THE CASE.

Send a copy of your *Answer or Response* to all the other parties in the case. If a party has a lawyer, send the *Answer* to the lawyer.

Laws covering these forms: [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](#) and [Illinois Supreme Court Rules: 13, 101, 104, 131, 136, 137, 138, 181, 183, 281, and 286](#).



This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk's office if your county has local rules and, if so, where you can get a copy.



STEP 1

FILL OUT AND FILE THE REQUIRED FORMS.

ARE THESE FORMS FOR ME?

You may **use these forms** for:

- **Civil cases** that do not have their own specialized answer forms. For example, you would use this *Answer/Response* in civil cases like family law, lawsuits for injury or property damage, or debt collection cases.

Do not use these forms if:

- Your case is a **criminal, traffic, or juvenile case**.
- There is a specialized *Answer or Response* form for your case type. This includes **Eviction, Mortgage Foreclosure, and Civil Asset Forfeiture** cases. Visit ilcourts.info/forms for the complete list.
- **NOTE:** If you believe that the way you received the *Summons* and Complaint or Petition (service of process) was not legal, or that the Complaint or Petition should be dismissed, you need to file a *Motion* stating these claims before you file your *Answer*. [735 ILCS 5/2-301](#); [735 ILCS 5/2-615](#). Because these claims need to be stated correctly, you should get help from a lawyer before you do this. The *Motion* form can be found at: ilcourts.info/forms.

Forms required:

- **Answer:** A written statement used to respond to the Complaint or Petition in a lawsuit. It tells the court whether you agree or disagree with the information in the Complaint or Petition.

Forms you might need:

- **Additional Paragraphs for Answer:** if you run out of space on your *Answer*.
- **Affirmative Defenses:** Your reasons why the other party should not win even if everything in their Complaint or Petition is true. Use this form only if you have affirmative defenses in your case. There will not be affirmative defenses in every case. Examples of affirmative defenses include:
 - that the Plaintiff/Petitioner waited longer than the law allows to file the Complaint or Petition; OR
 - That the claim was already made and decided in another, earlier case. [735 ILCS 5/2-613](#).

There are other affirmative defenses that we have not listed here.

- **Counterclaims:** Counterclaims are your separate legal claims against the Plaintiff/Petitioner related to the issues in this case. Use this form only if you have counterclaims in your case. There will not be counterclaims in every case.

You can find all of the statewide forms online at: ilcourts.info/forms.

You can find more information about responding to a lawsuit, affirmative defenses, and counterclaims at: ilao.info/respond-lawsuit-easy-form.

IMPORTANT INFORMATION

What is a Complaint or Petition?

- If you are being sued, the person or company suing you is called the Plaintiff or the Petitioner. The document they file to start the case is called a Complaint or a Petition. It explains the reasons they are suing you.

Why does the *Answer* form ask for my email address?

- The email address (if you have one) and mailing address you put on the form is where important court documents will be sent to you. You should list an email address 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.

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

- No. The *Summons* will either tell you that you need to file an *Answer* or will set a date for you to go to court. The judge might order you to file an *Answer* after you go to your court date.
- **Warning:** If you are required to file an *Answer* and do not, the judge can find you in default and decide in favor of the other party without listening to your side of the case.

Is there a deadline for filing an *Answer*?

- Yes. If you received a *Summons* with the Complaint or Petition, and the *Summons* lists a deadline for filing your *Answer*. *Answers* are often due 30 days after you receive the *Summons*.
- **Note:** Sometimes you may have to file an *Appearance* form in addition to your *Answer*. For instructions on how to file your *Appearance*, see [How to File an Appearance at ilcourts.info/appearance-instructions](http://ilcourts.info/appearance-instructions).
- If you did not receive a *Summons* with the Petition or if the *Summons* does not list a deadline, then the judge will set a deadline at your court date.

What if I think I may have affirmative defenses or counterclaims?

- You may want to talk to a lawyer about whether you have affirmative defenses or counterclaims.
- If you have affirmative defenses or counterclaims, you **must** check the box on the *Answer* and complete the additional forms.
- Your affirmative defenses and counterclaims **must** be filed with your *Answer*.

Is there a cost to file an *Answer*?

- Generally, there is no fee to file an *Answer* and *Affirmative Defenses*.
- If your court does not require an *Appearance* or you have not already paid an appearance fee, **you will be required to pay it when you file your *Answer***.
- There is an additional fee for filing *Counterclaims*.



COSTS AND FEES

There may be costs and fees to take part in a court case. These fees and costs can include fees for filing court documents and Sheriff's fees for providing notice. Depending on the type of court case, there may be other costs and fees charged. If you cannot afford to pay costs and fees, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

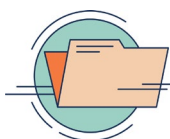
This is a separate form you can find at: ilcourts.info/fee-waiver-forms.

HOW TO FILE THE FORMS



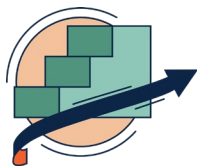
E-filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
 - You qualify for an exemption (see "Not E-filing" below) or
 - Your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms.
 - Depending on your courthouse, you can bring your forms on paper and there may be public computers with a scanner where you can turn your paper forms into electronic files.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



Not E-filing

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - Inmates in prison or jail who do not have a lawyer.
 - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
 - Do not have internet or computer access in your home, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at ilcourts.info/ExemptionCircuit. If you cannot print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
 - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you a fee to make copies.
- There may be fees to file your forms. See the previous Costs & Fees page for more information. If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



WHAT'S NEXT



STEP 2

SEND YOUR ANSWER TO THE OTHER PARTIES.

- You must send your *Answer* to the other parties in the case. If a party has a lawyer, send the *Answer* to the lawyer.
- If you filed an *Additional Paragraphs for Answer or Response* form or an *Affirmative Defenses or Counterclaims* form, you must also send these.
- If you and the person you're sending the forms 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 forms 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).

EXTRA HELP WITH THE FORMS

Answer Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and puts your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.

Easy Forms are free to use. Visit ilao.info/respond-lawsuit-easy-form or scan the QR code to use the Easy Form.



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.

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at ilao.info/glossary. You may also find more information, resources, and the location of your local legal self-help center at: ilao.info/lshc-directory.

