



ANSWER INSTRUCTIONS

NOTICE

These instructions are provided for informational purposes only to assist pro se litigants with completing forms. The instructions do not create any rights, duties or obligations under the law.

GENERAL INFORMATION

A civil action is commenced when a person files a complaint or petition with the Community Court Clerk. SRP-MIC Civ. Rule 5-11. The essential components of a complaint or petition are: 1) statement regarding the grounds for jurisdiction; 2) statement of facts that show the person has a claim; and 3) a demand for relief. The person against whom the claim is made (defendant or respondent) ordinarily has 30 days to respond, unless otherwise provided by the laws of the Community.

The response of the defendant/respondent should be in the form of an Answer, a motion to dismiss or other responsive pleading. See Civ. Rule 5-14. The essential components of the answer are: 1) statements that admit or deny each and every allegation in the complaint or petition; 2) statement of defenses; and 3) counterclaims against the plaintiff. Counterclaims should include essential components of complaint described above. Your response may be amended before it is filed. After it is filed, you must get the permission of the judge to amend it.

Defendants may make their response orally in open court. Civ. Rule 5-14. The defendant must notify the court clerk prior to the deadline for filing a response, if the defendant intends to file an oral response. Civ. Rule 5-14.2(b). A hearing will be set for that purpose. Id.

Sources: SRP-MIC Civ. Rules 5-14, 5-14.1 and 5-14.2; SRP-MIC Code Sec. 4-26

HOW TO COMPLETE THE STANDARD FORMS

The Community Court has developed a standard form for an Answer. An answer in another form will be considered if the pleading filed includes statements admitting or denying the facts alleged in the complaint or petition.

- 1) **Complete the Answer.** The Court Clerk is able to provide forms that may be filled out by hand; the forms may also be downloaded from the Community Court's website (in Word format).
 - a) The caption of the form should be the same as the petition.
 - b) In the introductory paragraph, identify yourself by name and your party designation (i.e., Respondent or Defendant). If the initial pleading was a "Petition", you are the Respondent. If it was a "Complaint", you are the Defendant.
 - c) *Admissions and Denials.* Admissions and denials should be made to every allegation in the complaint. If the defendant fails to deny an allegation in the complaint (except for the amount of damages), the allegation in the complaint will be deemed admitted. Civ. Rule 5-14(e). If the defendant claims not to know if an allegation is true or false, the allegation will be deemed denied. Civ. Rule 5-14(d).
 - d) *Defenses.* A defense is any fact or set of facts that, if true, defeat or negate that the Plaintiff has a valid claim and is entitled to relief or excuses the defendant's conduct. Generally, the defense will raise issues or facts outside those raised in the complaint or petition. Some defenses are based on the law (e.g., the claim could be barred by the statute of limitations); others are based on facts (e.g., the dispute was previously settled by the parties).
 - e) *Counterclaim(s).* A counterclaim is a claim filed by the defendant against the plaintiff. See Civ. Rule "Definitions". Counterclaims may be filed in a separate pleading; however, the content of the counterclaim must contain the essential components of a complaint (see above). Civ. Rule 5-14.1(b) and (c).
 - f) Provide your name, address and phone number(s) so that you may be contacted. Please note that it is your responsibility to notify the Court of any changes to this information. You will be deemed to have received notice of any documents mailed to your address of record in the current case.
 - g) Complete the Certificate of Mailing/Delivery. You are responsible for the delivery of the Answer.
- 2) **Verification.** If you made a counterclaim in your Answer, you must verify the answer.
- 3) **Amendment to Answer.** The purpose of the amendment form is to provide defendants with additional space for admissions, denials and defenses.
 - a) The caption of the form should be the same as the petition, except that the form is entitled "Amendment to Answer" and includes a reference regarding the number of amendments.
 - b) You must sign each amendment.
 - c) If you want to amend your answer after it has been filed, you must seek permission from the judge.