

CAO CvPi INSTRUCTION 3-2

ANSWER

You will be signing a sworn statement that you have read the answer, know what it says and believe it's true. To guarantee the truthfulness of that statement, be sure to read the entire completed form.

You may be responding to (answering) a Complaint, Petition, or a document with some other name. The procedure for responding is the same. To simplify these instructions, we will use the term "Complaint" in referring to the document you are answering.

If you want the judge to enter an order or decree, but you disagree with what the person who filed the Complaint asked for, or you want other things not requested in the Complaint, you will need to file an Answer and Counterclaim, you will not use this form. If you have minor children in common with the Plaintiff, you will not use this form.

Fill in the forms by typing or by printing neatly and legibly in **black ink**. Fill in "N/A" or "none" if a section does not apply. The documents have a boldface "**or**" at the start of optional sections. If the section does not contain a boldface "**or**" it is necessary and you should type in the appropriate information (which might be the word "none"). Always keep a copy of the completed form for your records.

At the top left-hand corner of page 1, fill in your full legal name, mailing address and telephone number.

The Caption. Fill in the names of Plaintiff and Defendant exactly as they are in the Complaint.

The Case No. Write in the case number shown on the Complaint.

The **Caption** and **Case Number** will be the same on all documents you prepare for this case.

Review the Complaint carefully. You must admit or deny each paragraph in the Complaint individually, using paragraphs 1-5 of the Answer form. If you only agree with some of the facts in any paragraph, you must state specifically which facts you admit and which facts you deny. There is a **prayer** portion of the Complaint that you do not have to specifically answer. It usually starts with "Wherefore Plaintiff prays for judgment as follows:" You **do not** have to answer any of the numbered paragraphs in the prayer of the Complaint.

After filling in your name, complete the next blank by filling in the name of the document you are answering.

Note: There are several options for answering the document.

Paragraph 1: Decide the numbered Complaint paragraphs you completely agree with. Fill in those paragraph numbers, letters, or Roman numerals (as used in the Complaint). If you can only admit some of the facts in any numbered paragraph, you must use paragraphs 2 and 3.

Paragraphs 2 & 3: If you disagree with only a portion of a paragraph in the Complaint, state the paragraph number, letter or Roman numeral (as used in the Complaint) plus specifically what you admit.

Paragraph 4: Decide the paragraphs of the complaint you don't have enough information to answer. Fill in those paragraph numbers, letters, or roman numerals (as used in the Complaint). If the information is something you can easily find out, you should try to find out before you deny it.

Paragraph 5 is a general denial of any statements made in the Complaint that you did not specifically admit.

Paragraph 6 gives you the option of asking that the Complaint be dismissed. Check the box if that is what you want.

Affirmative Defense(s) Paragraph: Rule 8(c) I.R.C.P. lists the following affirmative defenses: accord and satisfaction, arbitration and award, assumption of risk, contributory or comparative negligence, discharge in bankruptcy, duress, estoppel, failure of consideration, fraud, illegality, injury by fellow servant, laches, license, payment, release, res judicata, statute of frauds, statute of limitations, waiver and any other matter constituting an avoidance or affirmative defense. You can use a legal dictionary to find out what the terms mean. You should talk to an attorney to determine whether any of these affirmative defenses are available to you. Fill in those affirmative defenses that apply to your case, listing each as a separate numbered paragraph.

Locate a Notary Public who can watch you sign the Answer. Sign the Answer and have your signature notarized.

Certificate of Service:

- Fill in the name and address for each other party or his/her attorney. (This information appears in the upper left corner of page one of the Complaint.) You are required to deliver a copy of any document you file in this case to each party (or her/his attorney if s/he is represented by an attorney). When the other party has already "appeared" in the case by filing the Complaint, you can serve him/her your response by mailing, hand-delivery or fax. If you are going to serve the Answer by fax or personal delivery, write in the address you will use.
- Check the box to indicate how you are getting a copy to each other party or his/her attorney.
- Fill in the date and sign the Certificate of Service.

NOTE: Every time you file a document in this case you must send a copy to each other party or parties (if there are more than two parties to the case), either directly or through the attorney if s/he has an attorney. You must also file a Certificate of Service indicating how you furnished the copy. You can include the Certificate of Service with any document, or file a completely separate Certificate of Service (which you would also copy to each other party.

Make the copies you need: one for yourself and one for each other party.

Serve the person(s) named by the method specified in your Certificate of Service.

File your Answer. Take the original (the one you signed) and your copy, with the required filing fee, to the court clerk. The original will be kept in the court's file and you can ask that the clerk conform your copy. (See CAO D Instruction 3-1 Responding to Divorce Complaint).