

ANSWER PACKET—NON-SPECIFIC

INSTRUCTIONS ON PREPARING AN ANSWER

You are strongly encouraged to obtain help from an attorney in order to protect your rights and to correctly follow all the applicable substantive and procedural rules of law. Court personnel are prohibited by state law from giving you legal advice (O.C.G.A. § 15-9-51). Different situations might require special procedures, and court personnel are not allowed to advise you on how to proceed or what forms may be necessary in specific situations.

It is very important to file a written answer to any legal action which is brought against you. Filing an answer gives you the right to be notified of the hearing date and place. If you fail to file a written answer, this tells the Court that you are not contesting or disputing what the other side has asked for, and you are waiving your right to be notified by the Court of any court dates. Preparing an answer and counterclaim can be complicated. Please consult with an attorney if you have any questions about your legal rights and responsibilities.

If you are served by the sheriff, special process server or if you acknowledge service of a petition, you normally have thirty days to file a written answer with the clerk of Superior Court in the County in which the original petition was filed. If you have been served by publication, then you have sixty days from the date the petition is first published in the legal newspaper to file a written answer. When you are served, a summons will be on top of the petition. It will tell you exactly how many days you have to file a written answer with the Court and to whom you must serve a copy of your answer.

STEP-BY-STEP INSTRUCTIONS FOR PREPARING YOUR ANSWER

Step 1: Carefully read the Petition that was served on you.

Review the petition that was served on you. It is sometimes helpful if you go through it with a pencil and make notes on whether you agree or disagree with what the other side has stated in his or her petition. Jot down any points you want to make in response.

Step 2: Begin filling out the Answer and Counterclaim

Insert the name of the person who sued you where it says “Plaintiff/Petitioner.” Insert your name where it says “Defendant/Respondent.” Where it says “Answer to:_____,” fill in the name of the petition that was served on you. If you do not want a counterclaim, strike through the word “Counterclaim.” If you do want a counterclaim, insert in the space provided the type of counterclaim you are seeking. For example, if you were served with a Complaint for Divorce, you may want to counterclaim for divorce so that you can make requests to the judge to award you custody of the children, ownership of certain property, relief from responsibility for certain debts, etc. You should speak to an attorney before filing a counterclaim to make sure that you have a proper counterclaim, and that you have included all of your requests.

Not all answers require a counterclaim. If you are prepared to file your answer, you may file it without a counterclaim, and later, after speaking with an attorney, add a counterclaim. However, be aware that not all counterclaims may be added later and that you may lose your right to add a counterclaim if you do not include it with your Answer. You should always consult with an attorney if you think you have a counterclaim.

Following the complaint or petition which was served on you, admit or deny each numbered paragraph using the spaces provided. The number of your paragraph should correspond to the number of the paragraph to which you are responding. If you need to add additional facts, you may do so in the space provided.

Step 3: Requests to the Court

After the numbered paragraphs of the answer and counterclaim, there is a section which begins with “Wherefore I request.” In paragraph (a) insert the type of action that was served on you. In paragraph (b) insert the type of counterclaim you are filing if you are filing a counterclaim. In the paragraphs (c) through (f) insert the requests which you are making to the court. Then fill in the date, sign your name, and write your address and telephone number.

Step 4: Complete the Verification form

Complete the attached Verification Form. Insert your opponent’s name as Plaintiff/Petitioner and your name as Defendant/Respondent. Insert the civil action file number from the Complaint or Petition which was served to you. Go to a notary public at your local bank or other place of business. Sign your name where it says “Defendant/Respondent *pro se*” while the notary is watching you. The notary will then sign his or her name, and affix his or her stamp on the paper.

Step 5: Complete the Certificate of Service form

Complete the attached Certificate of Service form. In the first blank insert the name of your answer (Answer to the Petitioner’s _____ and Counterclaim for _____). Then fill in the name and address of the attorney who represents your opponent, or fill in your opponent’s name and address if your opponent is self-represented. The name and address should be easily found on the summons form which was served on you. Sign your name in the blank provided (Defendant/Respondent *pro se*). Print your name, address and telephone number.

Step 6: File your Answer and Counterclaim

Make three (3) photocopies of your documents. Take all three copies to the docket clerk of the Superior Court in the County where the original petition was filed. Give the clerk your original. Have the clerk also stamp your copies. Keep one copy for yourself.

Step 7: Serve your opponent's attorney (or your opponent if s/he has no attorney) with a copy of your Answer and Counterclaim.

You must serve your opponent with a copy of your Answer and Counterclaim. Mail a copy of your Answer to the attorney representing your opponent, or directly to your opponent if s/he has no attorney. Mail your answer to the address which was stated on the Summons which you received. The Certificate of Service which you completed and filed with the court is your proof to the court that you did mail a copy of your Answer to your opponent.

Step 8: Timely appear at any hearing, conference, or seminar required by the Court.

Your failure to appear at any hearing or other meeting or activity scheduled by the Court on the date and time appointed may, and often will result in your claims being dismissed and the action taking place without you. The result of your failure to appear could result in the granting of all relief requested by the Plaintiff/Petitioner, an award of attorneys fees against you, incarceration for contempt, or other appropriate relief. **DO NOT BE LATE OR MISS A COURT DATE.**

5. The allegations of Paragraph Five are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

6. The allegations of Paragraph Six are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

7. The allegations of Paragraph Seven are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

8. The allegations of Paragraph Eight are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

9. The allegations of Paragraph Nine are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

10. The allegations of Paragraph Ten are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

11. The allegations of Paragraph Eleven are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

12. The allegations of Paragraph Twelve are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

13. The allegations of Paragraph Thirteen are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

14. The allegations of Paragraph Fourteen are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

15. The allegations of Paragraph Fifteen are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

16. The allegations of Paragraph Sixteen are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

17. The allegations of Paragraph Seventeen are: admitted as true denied as untrue neither admitted or denied because I do not have enough information to know the truth of the matter partly true and partly untrue, specifically as follows:

COUNTERCLAIM FOR _____

1.

The Court has jurisdiction over the subject matter and parties in this action for _____ because

2.

The Court has personal jurisdiction over the parties in this action because

3.

4.

5.

6.

7.

8.

9.

10.

11.

12.

13.

14.

15.

16.

17.

WHEREFORE, I request

- (a) That the _____ be dismissed and that all relief prayed for by the Plaintiff/Petitioner be denied;
- (b) That my Counterclaim for _____ be granted;
- (c) That I be awarded _____;
- (d) That I be awarded _____;
- (e) That I be awarded _____;
- (f) That I be awarded _____;
- (g) That I be given any additional relief as this Court believes to be fair and appropriate.

This _____ day of _____, 20 ____.

Defendant *pro se*

Address: _____

Telephone: _____

**IN THE SUPERIOR COURT OF _____ COUNTY
STATE OF GEORGIA**

_____)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. _____
)	
_____)	
)	
Defendant.)	

VERIFICATION

Personally appeared before me the undersigned who on oath states that the facts set forth in this Complaint are true and correct to the best of her knowledge and belief.

_____,
Defendant/Respondent *pro se*

Sworn and subscribed before me
This _____ day of _____, 20_____.

Notary Public, State of Georgia

My Commission Expires _____.

