

# Connecticut Judicial Branch Self-Represented Parties Information Series

## Defendant's Filing of an Answer to a Complaint

*Slide 1*

### **Judicial Branch Law Libraries branding screen**

Welcome to the Connecticut Judicial Branch Law Libraries Self-Represented Parties Information Series.

*Slide 2*

### **Connecticut Civil Procedure – Defendant's Filing of an Answer to the Complaint**

Connecticut Civil Procedure: Defendant's Filing of an Answer to the Complaint

In this overview, we will discuss the procedure for a Defendant's filing an Answer in most civil actions. Contacting an attorney to assist you in the action is highly recommended. However, if you decide to represent yourself as a self-represented party, the following provides some information on the procedure for filing an Answer to the Complaint. If you are representing yourself, an Appearance form (JD-CL-12) should be filed with the court. For more information on how to fill out and file an Appearance form, please see our video "Filling Out and Filing an Appearance Form."

*Slide 3*

### **Some Words to Know**

- **Defendant = Person who is being sued**
- **Answer = To respond to specific claims in a lawsuit**
- **Procedure = The steps and actions that need to take place in a case**
- **Allegation = A statement or fact claimed to be true or provable**

Some words to know.

In this overview, the word Defendant means the person who is being sued. Answer means to respond to the specific claims in a lawsuit. Procedure means the steps and actions, or process, that need to take place in a case and the order and time in which they happen. The procedures are the Court rules. An Allegation is a statement or fact that is claimed to be true or provable.

*Slide 4*

**Some More Words to Know**

- **Cause of Action = The events or series of facts that give a person, business, or governmental entity a legal reason to sue**
- **Liabe = To be legally responsible**
- **Return Date = The date that starts the countdown of things taking place in court. No one needs to go to court on the Return Date.**

Some more words to know. A Cause of Action is the events or series of facts that give a person, business, or governmental entity a legal reason to sue. A Cause of Action can include one or more allegations. Liabe means to be legally responsible. Return date is the date that starts the countdown of things taking place in court and the lawsuit. The return date is an administrative date and you do not need to go to court on the return date.

*Slide 5*

**Practice Book title page w/ web address**

It is important to note that each case is unique and this overview is a generalized approach to this specific procedure. You will need to read the Court rules to determine if your case requires any change, or needs a different approach.

All parties to a Court action, including Self-Represented Parties, must follow the Court's rules of procedure even if you don't know them. The Court rules are in the Connecticut Practice Book. It is your responsibility to become familiar with the rules that apply to your case. There are copies of the Connecticut Practice Book in all Judicial Branch Law Libraries and on the Judicial Branch website. Other information regarding civil procedure can be found at the Judicial Branch Law Libraries, the Court Service Centers, and on the Judicial Branch website.

*Slide 6*

**Navigating to the Connecticut Practice Book on the website [screenshots]**

To find the Connecticut Practice Book on the Judicial Branch website –  
From the homepage, click on the Public tab.

*Slide 7*

**Navigating to the Connecticut Practice Book on the website [screenshots]**

Click on the Court Rules link.

*Slide 8*

**Navigating to the Connecticut Practice Book on the website [screenshots]**

Click on the current year Connecticut Practice Book.

The Connecticut Practice Book is in PDF format with a linked table of contents available on the left hand side.

*Slide 9*

**Answer**

- **Should be – Direct, precise, and specific**
- **Should not be – Argumentative, vague, hypothetical or stated in the alternative**

According to the Connecticut Practice Book sections 10-46 to 10-48, the Answer is the Defendant's response in which he or she specifically answers each and all of the allegations made in the Complaint. In the Answer, the Defendant shall respond to each and every allegation by either admitting, denying, or stating that the Defendant does not have the knowledge to either admit or deny the allegation and leaves the plaintiff to prove it. In an Answer, the Defendant should be direct, precise and specific. The Answer should be written in a straight forward manner and should not be argumentative, vague, hypothetical or stated in the alternative.

*Slide 10*

**Time of Filing Answer if it is the only responsive pleading  
Connecticut Practice Book section 10-8**

According to the Connecticut Practice Book section 10-8, if a Defendant chooses to file an Answer as the first response, or responsive pleading, the Answer must be filed within 30 days of the return date.

*Slide 11*

**Responsive Pleadings**

**Connecticut Practice Book sections 10-6 and 10-7**

- **Motion to Dismiss the complaint**
- **Request to Revise the complaint**
- **Motion to Strike the complaint**

It is important to note that a Defendant has several responsive pleading options available to him or her before filing an Answer. These options include: a Motion to Dismiss the Complaint, a Request to Revise the Complaint, and a Motion to Strike the Complaint. Connecticut Practice Book sections 10-6 and 10-7 discuss these options and the required filing order. A Defendant should read the Connecticut Practice Book and review these options before filing an Answer. The filing of an Answer waives, or gives up, the right of a Defendant to file any of these other options.

If a Defendant has chosen to file any or all of the available responsive pleadings listed in Connecticut Practice Book section 10-6, the Answer must be filed 30 days after the filing of the last responsive pleading, or after the Court makes any required rulings.

In summary, the Answer is the Defendant's response to the Plaintiff's Complaint after all other optional responses and challenges to the Complaint are completed, or not filed.

For more information about the available defense options in Connecticut Practice Book section 10-6, please view our video "First Steps as a Defendant."

### *Slide 12*

#### **Answer Forms**

- **JD-CV-106 – Civil Action**
- **JD-FM-160 – Divorce**
- **JD-FM-187 – Paternity Petition**
- **JD-HM-5 – Summary Process/Eviction**
- **Drafted Answer – Written by Defendant**

There are a few pre-printed court Answer forms for some specific case types, and for a simple civil action. They are: Answer to Complaint – Civil Cases only (JD-CV-106), matters involving Divorce (JD-FM-160), Paternity Petitions (JD-FM-187), and Summary Process – Eviction (JD-HM-5).

However, some Defendants will find that drafting, or writing, the Answer themselves will allow for a better response to the Complaint.

### *Slide 13*

#### **Motion caption template from Connecticut Practice Book**

If the Defendant chooses to draft, or write, the Answer, he or she will need to start the first page with the case caption. Connecticut Practice Book Appendix Form 101 provides a template heading for pleadings, motions and requests. This heading, or case caption, must appear at the top of the first page of the Answer.

### *Slide 14*

#### **Image of a body of the Answer**

In the answer, either using one of the pre-printed forms or drafting one, the Defendant is expected to have read each and every allegation paragraph in the Complaint and respond to each and every allegation paragraph in a direct, precise, and specific manner. In the Answer, the Defendant should respond to each paragraph of the Complaint matching the response to the exact number used in the Complaint; Answer 1 is to allegation paragraph 1, Answer 2 is to allegation paragraph 2, and so on. The numbers are followed by a simple admission, denial or a statement that the Defendant does not have the knowledge to admit or deny the allegation and leaves the Plaintiff to prove it.

### *Slide 15*

#### **Responses and their meanings**

- **Admission = The entire paragraph is true**
- **Denial = The entire paragraph is false**

- **Do Not Know = Lacks the knowledge to admit or deny**

In an Answer, the following are the responses allowed and the meaning of those responses as far as the Court is concerned.

Admission – the entire paragraph is true.

Denial – the entire paragraph is false.

Do Not Know – Plaintiff has insufficient knowledge, or lacks the knowledge, to either admit or deny and leaves the Plaintiff to prove it. This response is treated by the Court as a denial.

*Slide 16*

**Image – Allegation part true and part false**

If the Defendant agrees that one or more parts of the allegation paragraph are true but believes that one or more parts are also false, the Defendant should state and explain in the Answer what parts are being admitted to, what parts are being denied, or to what parts he or she does not know and leaves the Plaintiff to prove it.

*Slide 17*

**Image – General denial of all allegations**

If the Defendant intends to deny each paragraph in its entirety, the Answer may consist of one sentence. “The Defendant hereby denies each and every allegation in the Plaintiff’s Complaint.” Connecticut Practice Book section 10-46 discusses a general denial of the allegations.

*Slide 18*

**What it means to “Admit”**

- **The Allegation is completely true**
- **Cannot later be questioned or denied in any part**

When a Defendant admits to an allegation in the Answer, the Court will treat the allegation as a true fact. The Defendant will not be allowed to later deny or question any part of the allegation, even at trial. Therefore, it is very important for a Defendant to consider what he or she is admitting in the Answer.

Denials or do not know claims are “contested issues.” These are the issues that will be argued by the Plaintiff and Defendant for considerations by the Court.

*Slide 19*

**Image – Special Defense**

A Special Defense is a legal reason why the Defendant should not be found liable, or responsible, for an allegation. If the Defendant has more than one Special Defense, each one must be listed in the Answer in a separate section of the Answer labeled “Special Defense.” It is up to the Defendant to prove a special defense. The Plaintiff is required to

respond to each of the Defendant's Special Defenses in a Reply to Special Defenses pleading, which is similar to an Answer.

*Slide 20*

**Reasons for Special Defenses  
Connecticut Practice Book section 10-50**

- **Accord and Satisfaction**
- **Arbitration and Award**
- **Duress**
- **Fraud**
- **Illegality Not Apparent on the Face of the Pleading**
- **Infancy**

Connecticut Practice Book section 10-50 provides a listing of the Special Defenses that can be claimed. They include:

Accord and Satisfaction – a prior agreement between the parties creates no cause of action.

Arbitration and Award – a prior proceeding resolved the issue.

Duress – Defendant was forced to enter into an agreement.

Fraud – Plaintiff used false or illegal means to cause Defendant to enter into an agreement.

Illegality Not Apparent On the Face of the Pleadings – a factor in the issue being brought is in fact illegal.

Infancy – Defendant is not old enough to enter into an enforceable agreement.

*Slide 21*

**Reasons for Special Defenses – continued  
Connecticut Practice Book section 10-50**

- **Non Compos Mentis**
- **Payment**
- **Release**
- **Statute of Limitations**
- **Res Judicata**

Non Compos Mentis – Defendant was not of sound mind during the incident.

Payment – Plaintiff had received any payments due.

Release – parties agree that the Defendant is no longer liable.

Statute of Limitations – action was filed after the time allowed by statute.

Res Judicata – issue has already been decided by the Court in a prior case.

*Slide 22*

**Contributory Negligence Special Defense  
Connecticut Practice Book section 10-53**

- **Plaintiff's actions contributed to his or her injuries**

Connecticut Practice Book section 10-53 allows for a Defendant to file a Special Defense claiming that the Plaintiff's own actions contributed in some way to, or in some way caused, his or her injuries. With a claim of Contributory Negligence, it is up to the Court to determine what, if any, percentage of negligence belongs with the Plaintiff.

*Slide 23*

### **Counterclaim**

#### **Connecticut Practice Book section 10-54**

- **Lawsuit filed by Defendant against Plaintiff**
- **Must be related to the original Complaint**
- **Filed in the Answer**

Connecticut Practice Book section 10-54 allows for the Defendant to bring a Counterclaim. A Counterclaim is a lawsuit, or claim, filed by the Defendant against the Plaintiff. The Counterclaim must be related to the events in the original Complaint. The Counterclaim is filed in the Answer.

In a Counterclaim the Defendant becomes the Counterclaim Plaintiff and the Plaintiff becomes the Counterclaim Defendant. The Counterclaim Defendant may choose to use any or all of the responsive pleadings available in Connecticut Practice Book section 10-6. You must pay a fee to file a Counterclaim with the Court.

*Slide 24*

### **Image - Defendant's signature on Answer, both a form and drafted**

The Defendant must be sure to sign the Answer. In a pre-printed form, sign in the signature box and type or print your name in the box next to it. With a drafted, or written, Answer, at the bottom right, following the body of the Answer, the defendant will type "THE DEFENDANT." Below this will appear the Defendant's signature, his or her printed name, followed by "Self-Represented Party", address and telephone number. A "Self-Represented Party" is a person who represents himself or herself in Court without the help of an attorney.

*Slide 25*

### **Image - Certification**

#### **Connecticut Practice Book section 10-14**

Connecticut Practice Book section 10-14 describes the requirements for providing proof of service. The Defendant shall prepare a written acknowledgement of service by certifying, or declaring, to the Court that he or she has mailed or electronically delivered a copy of the Answer to all parties who have filed an appearance in the case. In a pre-printed form, there will be an area on the form indicating it is the Certification. In a drafted or written Answer, the Defendant shall follow the format provided in Practice

Book section 10-14(a). The certification should appear following the Defendant's signature. In the certification, the Defendant lists the names and addresses of all parties involved who have an appearance in the case. The Defendant then signs the certification.

*Slide 26*

**Image - Answer**

In review, an Answer is the Defendant's pleading which specifically responds to each and every allegation in the Complaint. The Defendant responds by either admitting, denying, or stating that the Defendant does not know, and leaves the plaintiff to prove the allegation. The Defendant's responses should be direct, precise, and specific.

*Slide 27*

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This concludes our overview. For further information please visit a Judicial Branch Law Library, a Court Service Center, or the Judicial Branch website.