



How to File an Answer to a Complaint in the Superior Court of New Jersey - Law Division - Civil Part

Who Should Use This Packet?

You may use this package if you have received a summons, complaint, civil case information statement (CIS), and track assignment notice (TAN) notifying you that you are being sued in the Law Division of the Superior Court of New Jersey. In order to avoid having the other party win the case against you automatically, you must file an answer to the complaint along with a CIS and the appropriate fee within 35 days from the date that you receive the summons. Your answer should contain any defenses you have to the claims made in the complaint and any dispute you have with the facts as stated in the complaint. If you do not file your answer and CIS within the 35 days, a default judgment can be entered against you and the County Sheriff may seize your money, wages, or property to pay all or part of the judgment.

Note: If you believe you have a claim against the plaintiff and wish to countersue, you must file a counterclaim with your answer and CIS. If you believe you have a claim against another defendant, you must file a cross-claim with your answer and CIS. For information on the procedure for filing a cross-claim or counterclaim, consult staff in the civil division clerk's office.

Note: These materials have been prepared by the New Jersey Administrative Office of the Courts for use by self-represented litigants. The guides, instructions, and forms will be periodically updated as necessary to reflect current New Jersey statutes and court rules. The most recent version of the [forms](#) will be available at the county courthouse or on the Judiciary's Internet site njcourts.gov. However, you are ultimately responsible for the content of your court papers.

Completed forms are to be submitted to the county where you are filing your case. A list of [Superior Court Offices](#) is provided at the customer counter or at njcourts.gov.

Things to Think About Before You Represent Yourself in Court

Try to Get a Lawyer

The court system can be confusing, and it is a good idea to get a lawyer if you can. The law, the proofs necessary to present your case, and the procedural rules governing cases in the Law Division, Civil Part are complex. Since valuable claims or potentially heavy judgments may be at stake, most litigants appearing in the Law Division, Civil Part have a lawyer. If you are being sued, please contact your insurance company to see if they might provide a lawyer for you. Most likely your opponent will be represented by a lawyer. It is recommended that you make every effort to obtain the assistance of a lawyer. If you cannot afford a lawyer, you may contact the legal services program in your county to see if you qualify for free legal services. Their telephone number can be found online under “Legal Aid” or “[Legal Services](#).”

If you do not qualify for free legal services and need help in locating an attorney, you can contact the bar association in your county. Most county bar associations have a [Lawyer Referral Service](#). The County Bar Lawyer Referral Service can supply you with the names of attorneys in your area willing to handle your particular type of case and will sometimes consult with you at a reduced fee.

There are also organizations of minority lawyers throughout New Jersey, as well as organizations of lawyers who handle specialized types of cases. Ask your county court staff for a list of lawyer referral services that include these organizations.

If you decide to proceed without an attorney, these materials explain the procedures that must be followed to have your papers properly filed and considered by the court. These materials do not provide information on the law governing your claims or defenses; information on how to conduct pretrial discovery; information on alternative dispute resolution procedures, such as arbitration or mediation, that may be available or required in your case; information on the kinds of evidence you need to prove your claims or defense at trial; or information on other procedural and evidentiary rules governing civil law suits.

What You Should Expect If You Represent Yourself

While you have the right to represent yourself in court, you should not expect special treatment, help, or attention from the court. The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.

- We *can* explain and answer questions about how the court works.
- We *can* tell you what the requirements are to have your case considered by the court.
- We *can* give you some information from your case file.
- We *can* provide you with samples of court forms that are available.
- We *can* provide you with guidance on how to fill out forms.
- We *can* usually answer questions about court deadlines.
- We *cannot* give you legal advice. Only your lawyer can give you legal advice.
- We *cannot* tell you whether or not you should bring your case to court.
- We *cannot* give you an opinion about what will happen if you bring your case to court.
- We *cannot* recommend a lawyer, but we can provide you with the telephone number of a local lawyer referral service.
- We *cannot* talk to the judge for you about what will happen in your case.
- We *cannot* let you talk to the judge outside of court.
- We *cannot* change an order issued by a judge.

Keep Copies of All Papers

Make and keep copies of all completed forms and documents related to your case.

Overview

A civil suit begins with the filing of a complaint and civil case information statement (**CIS**) with the appropriate filing fee. Within 10 days of the filing of the complaint, the plaintiff will receive a Track Assignment Notice. A case is assigned to one of four tracks depending on the type of case and the length of time it should take to complete discovery. The complaint, CIS and TAN must be served with the summons on all parties. Defendant(s) must file an answer to the complaint along with the appropriate filing fee within 35 days after service of the complaint. After the complaint is served and an answer is filed, the discovery period begins. The time for discovery depends on what track the case is assigned to. During the discovery period, the parties exchange information about the case. At any time during the case, a party may make a motion to the court for certain relief. Prior to a trial, cases may be sent to mediation (a meeting in which a neutral third party facilitates discussion between the parties to reach a resolution of their differences) and/or arbitration (a hearing in which parties present their positions to a neutral third party who makes a recommendation for resolving the case which may be accepted or rejected by the parties). If mediation and/or arbitration is unsuccessful, a case will be scheduled for trial. The trial may take place before the judge alone or before a judge and a jury. At the trial, both sides present evidence supporting their positions. The decision of the judge and/or jury is contained in the final judgment. If a party wishes to appeal the final decision, a notice of appeal must be filed in the Appellate Division within 45 days after the entry of the final judgment.

Definitions of Words Used in This Packet

Affirmative Defense - An *affirmative defense* is what a defendant offers as a reason why there should be no judgment against him/her. Examples of affirmative defenses include fraud, contributory negligence, expiration of the statute of limitations.

Answer - An *answer* is the document filed by the defendant which contains the response to each of the statements made by the plaintiff and the reasons or circumstances why the defendant is or is not responsible for any harm claimed by the plaintiff.

Caption - A *caption* is the name of the case; it lists the name of the plaintiff(s) and the defendant(s). For example, John Jones, Plaintiff v. Mary Smith, Defendant.

Cause of Action - A *cause of action* refers to the facts that give rise to the lawsuit or claim.

Certification - A *certification* is statement that certain facts are true to the best of the knowledge of the person making the statement. It is like an affidavit, but is not sworn before a notary or other authorized person.

Certification of No Other Actions - A *certification* of no other actions is a sworn written statement at the end of the answer in which you state that, to the best of your knowledge, the action about which you are complaining is not the subject of any other court matter or arbitration, that there are no other parties that need to be added to this action and that you recognize the obligation to notify all parties and the court if there are any changes.

Civil Case Information Statement (CIS) The *CIS* is a form that summarizes your case for the court. Court rules require that each party file a CIS. The pro se version of the **CIS** which is to be used with this packet can be found on our [Self-Help Center](#).

Co-defendant - A *co-defendant* is another defendant who has been sued by the plaintiff in the complaint.

Complaint - A *complaint* is a document in which the plaintiff tells the court the facts of a case and states what relief is sought.

Counterclaim - A *counterclaim* is a complaint the defendant has against the plaintiff.

Cross-claim - A *cross-claim* is a complaint that one defendant has against a co-defendant.

Defendant - The *defendant* is the person being sued.

Definitions of Words Used in This Packet (continued)

Discovery - *Discovery* is the pretrial process by which one party learns of the evidence that will be presented and relied upon in the trial by the opposing party.

Docket Number - A *docket number* is the number the court assigns to your case so that it may be identified and located easily. Once you have a docket number, you must include it on all your communications with the court.

File - To *file* means to give the appropriate forms and fee to the court to begin the court's handling of your case.

Jury - A *jury* in a civil matter is usually a group of six people selected according to law and sworn to inquire into and decide the facts at issue in a trial.

Motion - A *motion* is an application to the court for a specific order or ruling to be made in favor of the party making the motion.

Party - A *party* is any plaintiff or defendant in a case. You must send a copy of everything you send to the court to every party.

Plaintiff - The *plaintiff* is the person who files the first complaint in a lawsuit.

Proof of Mailing - *Proof of mailing* is the form in which you provide the dates and method you used to give the other parties copies of the papers that you filed in court.

Pro Se - *Pro se* is a Latin term that means "on one's own behalf." A plaintiff or defendant in a lawsuit who does not have an attorney is said to be appearing *pro se*.

Service - *Service* refers to the delivery of the complaint or any other paper in a suit to the defendant and other parties. Formal legal service requires that the service be made by an officially authorized person or by mail.

Team - A *team* is made up of courthouse staff, who are responsible for the processing of your case. Each team is headed by a team leader who reports to the Civil Division Manager.

Track - Lawsuits in the Civil Division are assigned to one of four *tracks*. Which track a case is assigned to, usually depends on the type of case, and how much time it should take to complete discovery. On the back of the CIS is a listing of the tracks and the various case types that are included in each one.

Track Assignment Notice (TAN) - The *Track Assignment Notice (TAN)* is a document prepared by the court that tells you what judge and team will be handling your case. It also gives the telephone number you should call whenever you need to reach the court about your case. The plaintiff is required to send a copy of the TAN to everyone being sued.

Venue - *Venue* refers to the county where the court that has jurisdiction to hear your case is located.

The numbered steps listed below tell you what forms you will need to fill out and what to do with them. Each form should be typed or printed clearly on 8 ½ "x 11" white paper only. Forms may not be filed on a different size or color paper.

Steps for Filing an Answer

STEP 1: Fill in the *Answer* (Form A).

The *Answer* tells the court in short and simple terms whether you admit or deny the statements made by the plaintiff in the complaint and sets forth every defense you may have to the plaintiff's claims.

You must respond to each numbered paragraph in the complaint and either admit the allegation, deny the allegation, or state that you do not have enough information to know whether the statement is true.

In the area for Affirmative Defenses, you can list the facts which defend your action or inaction. You may state as many separate defenses as you have and provide any reasons you have why the plaintiff should not get the relief requested. For example:

- The plaintiff was negligent (explain how).
- You, the defendant, fulfilled your obligation (explain).
- Sign and date the remaining statements on the continuation of *Form A*. **Do not** sign the demand for a trial by jury unless you want to have a jury hear your case.

STEP 2: Complete the *Civil Case Information Statement* (CIS).

The *Civil CIS form with instructions* can be found on our [Self-Help Center](#). The completed *CIS* must be filed with the answer. Failure to file this required document may result in your answer being returned to you.

STEP 3: Make a check or money order payable to *Treasurer, State of New Jersey*.

The fee for filing an answer is \$175. Make a check payable to *Treasurer, State of New Jersey*.

STEP 4: Check your completed forms and make copies.

Check your forms to make sure that they are complete and that you have signed them in the appropriate places. Make at least six copies of the completed forms.

If the *Answer* (Form A) or any of the copies of papers that you attach to the Answer contain a Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, active credit card

number, or military status, you must redact (black out) this information so that it cannot be seen, unless any such personal identifier is required to be included by statute, rule, administrative directive or court order. If an active financial account is the subject of your case and cannot otherwise be identified, you may use the last four digits of the account to identify it.

NOTE: Do not redact (black out) this information in the original papers that you are keeping (such as a police accident report) since you may have to show them to the court at some point.

CHECKLIST - In Steps 5 and 6 you will be directed to mail your documents to the court and other parties. The following checklist will help insure that your package is complete:

- ___ The original and two copies of the *Answer* and *CIS*
- ___ The filing fee in the amount of \$175. It must be a money order or check made out to *Treasurer, State of New Jersey*
- ___ A stamped, self-addressed envelope
- ___ One copy of the *CIS* and *Answer* to serve on each party; or, if the party has an attorney, on the attorney for that party.

STEP 5: Mail or deliver the forms to the court.

You may deliver your papers to the court in person or you may mail them. The court address can be found on the Judiciary's website, njcourts.gov. If you mail the papers, we recommend that you use certified mail, return receipt requested.

Mail or deliver to the court the original and 2 copies of the *Answer* and *CIS*.

STEP 6: Mail *CIS* and *Answer* to all parties.

Within 35 days of the date that you received the summons and complaint, you must send a copy of your answer and *CIS* to each party or, if the party has an attorney, to the attorney for that party. You should use certified mail, return receipt requested and keep the green card when it is returned to you as proof of service.

Form A

Name _____

Address _____

Telephone Number _____

_____,
Plaintiff(s),

v.

_____,
Defendant(s).

Superior Court of New Jersey
Law Division

_____ County

Docket Number: _____

Civil Action

Answer

The defendant, _____, answers the plaintiff's claim as follows:

(State whether you agree or disagree with each paragraph of the plaintiff's complaint. If additional room is needed, attach a separate sheet.)

1. _____

2. _____

3. _____

4. _____

5. _____

Form A

WHEREFORE, the defendant demands judgment dismissing the complaint with costs.

Affirmative Defense(s)

(State the reasons why you disagree with plaintiff’s complaint or why what you did or did not do is not a matter for court. If additional room is needed, attached a separate sheet.)

- 1. _____

- 2. _____

- 3. _____

Certification of No Other Actions

I certify that this dispute is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated

Signature

Certification Regarding Filing and Service

The undersigned hereby certifies that a copy of this pleading was served and filed within the time permitted by the court rules.

Dated

Signature

OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

Demand for Trial by Jury

TAKE NOTICE that the defendant demands a trial by jury on all issues.

Dated

Signature