

Instructions for Filing an Answer to a Complaint filed in the Probate and Family Court

You have important rights relative to children, property, etc. You are strongly urged to consult with an attorney regarding any action in the Probate and Family Court.

I received a copy of a complaint filed against me. What do I do?

You should file an answer in court to the complaint within 20 days of receiving the summons and complaint or seven days if it is a Complaint for Contempt. You may use this online form, prepare your own answer or complete the form available in the Registry of Probate.

What form do I use?

Make sure the answer form is the correct one for the complaint. For example, if the complaint is a Complaint for Divorce, make sure you complete the Answer to Complaint for Divorce.

What do I write in my answer?

You will see that each answer to a complaint has the same number of paragraphs as the corresponding complaint. Type or clearly print your answer.

If you use the court form and:

- you **agree** with the information written by the plaintiff in a paragraph in the complaint, check off the box that you **"admit"** the allegations in that paragraph; or

- you **do not agree** or do not know if the information is correct, check the box that you **"deny or do not know"** the allegations in that paragraph; or
- you agree with part of what plaintiff wrote in a paragraph and disagree with or don't know part of what he/she wrote, choose the box that you admit part but deny or don't know part, and specifically write what you admit and what you deny or do not know.

The last paragraph of the complaint usually begins, "Wherefore plaintiff requests that this Court..." and then says what it is the plaintiff wants the Court to decide or do. In the last paragraph on the answer form, you have a few choices of what you can ask the Court to do. If you use the court form answer, and:

- you **agree** with what the plaintiff is asking for, check the box, **"grant the..."**; or
- you want the Court to **deny** plaintiff's requests, check off the box, **"deny relief requested..."**; or
- you want the Court to make other orders, check the boxes, "dismiss the complaint..." and "grant the relief requested in the attached counterclaim..."

Information about a counterclaim is available in the handout

“Instructions for Filing a Counterclaim in the Probate and Family Court.”

Write the date, sign your name on the answer, and print your name, address, and telephone number under your signature. Also complete Certificate of Service, which tells the Court who you served a copy of your answer on, how you served them, and when you served them. Sign your name on the Certificate of Service. Remember to write the docket number on the top of each page.

What do I do with my answer when I have finished writing it?

File the original signed answer in the Registry of Probate. Court staff will place it in the numbered file folder with the plaintiff’s complaint and any other documents filed in the case. There is no fee to file an answer.

Next, give a copy of the answer to the plaintiff. If the plaintiff is not represented by an attorney, mail or hand-deliver your answer to the plaintiff. If the plaintiff has a lawyer, mail or hand-deliver the answer to the lawyer. The address of the plaintiff or the lawyer is written on the complaint. If the plaintiff’s address is impounded, you may contact the Registry of Probate for instructions on how to serve the plaintiff.

Do I file an answer if the plaintiff has a 209A order against me?

If plaintiff has a current 209A order (abuse prevention order) against you,

you are allowed to send the answer by mail or have it served by a Sheriff or another authorized officer. **You may not hand-deliver it yourself.** If the plaintiff’s address is impounded, you may contact the Registry of Probate for instructions on how to serve the plaintiff. For more information, see the 209A order you received.

Do I have to file an answer?

No, however, the advantage to filing an answer is, there will be a record of what you want and do not want to happen. If you don’t file an answer and don’t go to court, the Court may give the relief requested by the plaintiff.

I filed an answer. Does that mean I don’t have to show up for the next court date?

No! It is very important that you go to court every time there is a hearing. If you do not show up to a hearing, you may lose important rights regarding children and property. Always go to scheduled court dates on time with copies of all the court documents and other related information. ALWAYS BE PREPARED.

What if I want the Court to make other orders than what plaintiff asked for?

You can file a counterclaim to the complaint. See “Instructions for Filing a Counterclaim in the Probate and Family Court.

This brochure is general information. It is not legal advice. If you have questions about your situation, speak with a lawyer.