



I Have Received Papers Labeled “Summons” and “Complaint.” What Are These? What Should I Do?

HOW DO I KNOW IF WHAT I HAVE RECEIVED ARE REAL COURT PAPERS OR JUST REGULAR MAIL FROM THE COLLECTORS?

If you receive any papers with the words “summons” or “complaint” on them, **DO NOT IGNORE THEM.** These are papers starting a lawsuit against you. The papers should also say “CONSUMER CREDIT TRANSACTION” in bold letters at the top.

WHAT SHOULD I DO IF I RECEIVE A SUMMONS OR A SUMMONS AND COMPLAINT?

If you receive these papers, **you must go to court** and file an “Answer.” The law has time limits within which you have to do this. If someone handed you the papers in person, you have 20 days from the day you got them. If you they were given to another person in your house, if they came by mail or if they were attached to your door, you have 30 days from the day you got them.

WHAT IS AN ANSWER?

An “Answer” is your official response to complaint filed against you. The complaint makes claims that you did certain things that would allow someone to sue you. These claims are not necessarily true. They are just the claims that the company suing you believes are true. In a case where you are being sued to repay a debt, the complaint will claim that you owe a certain amount of money. Your Answer responds to those claims. You can also list any legal claim you want to make against the company suing you (“counterclaims”).

WHAT IF MORE THAN 20 OR 30 DAYS HAVE PASSED SINCE I GOT THE PAPERS?

If more than 20 or 30 days have passed, **go to the courthouse anyway** and bring the papers you received. Follow the directions in the next question and try to file an Answer.

HOW DO I FILE AN ANSWER?

To Answer the complaint, you must go to the **clerk’s office** in the courthouse listed on the summons. Ask for an “Answer” form and fill in your response to the lawsuit.

WHAT HAPPENS AFTER I FILE MY ANSWER?

Your Answer will go into the court’s file. You have to keep one copy and send a copy of it to the attorney on the other side. The Clerk will then give you a date to come back to court or tell you that you will get a date in the mail. Typically, your next court appearance will not be for a trial, but rather for a conference before the court about the possibility of settling your case. **You must go to court on this date.** If you don’t go, the creditor suing you will get a judgment against you, *i.e.* they will win.

WHAT HAPPENS IF I DON’T FILE AN ANSWER?

If you do not file an Answer or you don’t go to court when you are supposed to, the creditor who is suing you can (and usually will) automatically get a judgment against you, *i.e.*, **they will win.**

WHAT IS A JUDGMENT?

A judgment in a debt case is a **court decision and order stating that you owe the company** that sued you a certain sum of money. The judgment may show up on your credit report. Also, it allows the collector to freeze your bank account and forcibly take your money in your account without your knowing beforehand. It also allows the judgment holder to garnish your wages.