



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

HOW DO I KNOW IF WHAT I HAVE RECEIVED ARE REAL COURT PAPERS OR JUST REGULAR MAIL FROM A DEBT COLLECTOR?

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 usually have 20 days from the day you got them. If they were given to another person in your house, if they came by mail, or if they were attached to your door, you usually have 30 days to file an Answer.

WHAT IS AN ANSWER?

An “Answer” is your official response to the complaint filed against you. In the complaint, the company suing you makes claims that you did or did not do certain things. In a case where you are being sued to repay a debt, the company suing you (“the plaintiff”) will make claims in the complaint that you owe a certain amount of money. Your Answer responds to those claims and raises certain “defenses” to the action. You can also list any legal claim you want to make against the plaintiff, which are called “counterclaims.” You should consult our fact sheet, “*I Am Being Sued For A Debt: What Should I Put In My Answer?*” for assistance in determining your available defenses.

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. It is very common for a clerk to accept your Answer, even if it is late. Follow the directions in the next question for how to file an Answer.

HOW DO I FILE THE ANSWER?

If you were served with the summons and complaint in person (someone handed the court papers to you), you have 20 days to file your answer. You have 30 days if you received them any other way (for example, if you received them in the mail or they were left with someone you live with). You must go to the **clerk’s office in the civil courthouse** in the county where the case was filed. This information can be found at the top of the first page of the summons and complaint, and should be the county in which you live. Be sure to take some form of identification with you.

You can use the interactive form at: lawhelpny.org/consumer to fill out and print your Answer before you go to the clerk’s office. Or, you can go to the clerk’s office and the clerk will provide an answer form for you. Most of the time you will tell the clerk which defenses you want to assert, and the clerk will print out three copies of your answer. The clerk’s office will give you one copy, will mail the plaintiff’s attorney one copy, and will keep a copy for the court.

WHAT HAPPENS AFTER I FILE MY ANSWER?

The clerk will give you a date to come back to court or will tell you that you will get a date in the mail. Typically, your first court appearance will be 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 plaintiff will get a default judgment against you, which means 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 plaintiff can (and usually will) get a default judgment against you, meaning that 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 may allow the plaintiff to freeze your bank account and forcibly take your money in your account. It also gives the judgment creditor the right to garnish your wages.

WHERE CAN I FILE MY ANSWER IF I AM SUED IN NEW YORK CITY CIVIL COURT?

Bronx

851 Grand Concourse
Bronx NY 10451
Basement
Window 6 to request file, then go to Window 14

Queens

89 - 17 Sutphin Boulevard
Jamaica, NY 11435
Room 147

Kings

141 Livingston Street
Brooklyn, NY 11201
Room 302

Richmond

927 Castleton Avenue
Staten Island, NY 10310
Basement

New York

111 Centre Street
New York, NY 10013
Room 118
Windows 7,8,9,10

CAN I GET ANY ADDITIONAL ASSISTANCE?

Because there are so many consumer debt lawsuits in New York City, legal services organizations cannot provide representation to everyone. One place where you can get free legal advice is the Civil Legal Advice and Resource Office (CLARO), which is a program staffed by volunteer attorneys and law students, who give brief advice to self-represented consumers. Times and locations are below, and you can visit www.claronyc.org or <http://www.lawhelpny.org/consumer> for the most up to date information.

Bronx

Time: Thursday 3:00-6:00PM
Location: Bronx Supreme Court; 851 Grand Concourse, Bronx, Room B128A, NY 10451

Brooklyn

Time: Thursday 2:30-4:30PM and 6:00-8:00PM
Location: Kings County Civil Courthouse; 141 Livingston Street, Room 403, Brooklyn, NY 11201

Manhattan

Time: Thursday 6:00-8:00PM
Location: New York City Civil Courthouse; 111 Centre Street, Room 105, New York, NY 10013

Queens

Time: Friday 1:30-4:00PM
Location: Queens County Civil Courthouse; 89-17 Sutphin Blvd, Room 116, Queens, NY 11435

Staten Island

Time: Visit [www.claronyc.org/claronyc/Staten Island/statenisland.html](http://www.claronyc.org/claronyc/Staten%20Island/statenisland.html) or call 347-927-3417.

Location: Richmond County Civil Courthouse; 927 Castleton Avenue, 2nd Floor, Staten Island,
NY 10310