

ANSWER TO COMPLAINT/PETITION/MOTION INSTRUCTIONS FOR COMPLETING FORM CC-DR-050

Before you complete the Answer to Complaint / Petition / Motion (CC-DR-050), review the **General Instructions (CC-DRIN)** and this Instruction form. These Instructions may help you and are informational only. They are not legal advice.

WHO SHOULD USE THIS FORM?

If any of the following are true, complete an Answer to Complaint/Petition/Motion (CC-DR-050):

- You have been served (and are not challenging service of process) with an initial complaint or petition (for example, a complaint / petition for divorce, custody or child support, or Petition for Contempt and Show Cause Order);
- You have been served with a motion in an open divorce, custody, or child support case;
- You are not hiring a lawyer (also called an attorney or counsel) to file a response for you.

NOTE: Do NOT use this form if you are filing a response to a Petition for Guardianship. Instead, Answer to Petition for Guardianship of Minor (CC-GN-003) or Answer to Petition for Guardianship of Alleged Disabled Person (CC-GN-004).

DO I NEED A LAWYER?

The answer is probably YES if:

- The case is contested or the other side (the opposing party) has a lawyer.
- You do not have an address for or cannot locate the other side to serve him or her with your papers.
- The court may need information that you cannot get.
- This is a child custody case and there is a dispute about who should have custody.
- This is a divorce case and either spouse has a house, a pension/retirement account, or a large amount of property or income. Even if you both agree to divorce, speak with a lawyer before signing settlement agreements or filing papers with the court.
- This is a divorce after a long-term marriage (about 10 or more years) and/or you want alimony.
- This is an annulment case.

You may speak with or hire a lawyer at any time during the course of your case.

IMPORTANT TIME FRAMES FOR FILING:

The kind of answer you are filing and where you live determines the filing deadline:

- Complaint of any kind:** Please see **General Instructions (CC-DRIN)**, "*What Happens After Service of Process is Made?*" for specific guidelines on filing times.
- Petition for Contempt:** If you have been served a Petition for Contempt, the deadline by which you are required to file your Answer will be stated in the Order to Show Cause.
- Motion** (of any kind in an open court case): In general, file your Answer to any motion you received in your case within 15 days, unless the court orders a different response time.

THERE ARE FIVE (5) STEPS TO COMPLETE THIS FILING:

□ STEP 1 - COMPLETE ANSWER TO COMPLAINT / PETITION / MOTION (CC-DR-050)

Case caption: Fill in the complete names, addresses and telephone numbers for yourself (as defendant) and your spouse or the other side (as plaintiff). If you have safety concerns because of domestic violence issues, you are still required to provide an address where the other side can serve papers to you. **You may be eligible for the Maryland Safe at Home Address Confidentiality Program. The program provides a substitute address for victims of domestic violence who have moved or are about to move to a location unknown to their abuser. It also offers free confidential mail-forwarding for first-class mail and legal papers. Application assistants can help you apply. Call 1-800-633-9657 ext. 3875, visit <http://sos.maryland.gov/ACP>, or email safe.athome@maryland.gov.**

Include the complete case number assigned to your case. Fill in your name on the first line of the Answer, and write in the name of the paper you are filing your Answer in response to (for example, Complaint for Divorce or Petition for Contempt).

Paragraphs 1 through 15: Check the box that applies to your response to the statements made in the first numbered paragraph of the complaint / petition / motion you received:

- Check "I admit the statement(s) in Paragraph No. 1" if you agree that all the statements made by the other side are true.
- Check "I deny the statement(s) in Paragraph No. 1" if you assert that none of the statements made by the other side are true.
- Check "I deny all of the statement(s) in Paragraph No. 1 **except** that I admit _____", if you assert that some of the statement(s) made by the other side are not true, but agree that at least one (1) is true; write in the portion of the statement that you agree is true.
- Check "I do not have enough information to either admit or deny the statement(s) in Paragraph No. 1" if you do not have personal knowledge about the statements made by the other side.

Paragraphs 2 through 15:

- Check "There is no Paragraph No. ____" if no statements have been made in a correlating numbered paragraph of the complaint/petition/motion that you received.

NOTE: If there are more than 15 paragraphs that need responses, you may attach a page to your Answer.

Paragraph 16: Fill in information you would like the court to consider in defense to any of the statements made in the complaint / petition / motion.

Final Paragraph "FOR THESE REASONS": Check off ALL requests you are asking the court to grant based on your Answer. These are your "requests for relief."

Certificate of Service: Complete the Certificate of Service and mail copies of the papers to the other side or his / her lawyer, using the correct postage.

□ **STEP 2 - COMPLETE ALL OTHER REQUIRED FORMS:**

- **Civil-Domestic Case Information Report (CC-DCM-001).** This form helps the court understand the issues in your case and estimate the time for case scheduling.
- **Financial Statement (Child Support Guidelines) (CC-DR-030).** This "short form financial statement" **MUST** be completed and filed with your Answer if child support is an issue.
- **Financial Statement (General) (CC-DR-031).** This "long form financial statement" **MUST** be completed and filed with your Answer if alimony or property division in divorce is an issue. If property, alimony AND child support are issues, file this form (do not file the short form above).
- **Form CC-DR-033 Joint Statement of Parties Concerning Marital and Non-Marital Property.** This form must be completed and filed no less than 10 days before your final hearing date. (See below Step 5 Pre-Hearing Matters)
- **Your signed and dated settlement agreement.** If this is a divorce case filed on the ground of **Mutual Consent**, you **MUST** file a copy of the agreement.

NOTE: If the initial complaint was filed against you, and you want to ask the court for relief that is different from what the other side is asking for, you may want to file a counter-complaint, or other complaint, petition or motion.

□ **STEP 3 - FILING YOUR FORMS:**

Take or mail the completed and signed forms to the civil clerk of the circuit court where the complaint/petition/motion was originally filed. If you dispute that the case was filed in the correct court, you should speak with a lawyer before filing your Answer or a counter-complaint. Make at least two (2) copies of all forms before filing, one (1) for the other side and one (1) for your records. (See "Service of Process" below).

There is no fee for filing an Answer.

□ **STEP 4 - SERVICE OF PROCESS:**

You must mail a complete copy of your papers to the other side. (See *General Instructions*, (CC-DRIN), "What is Service of Process?")

□ **STEP 5 - PRE-HEARING MATTERS:**

Once your case is scheduled for a final hearing or trial date, prepare for the following issues if they are part of your case:

- **Marital and Non-Marital Property forms.**
- **Child Support Guidelines worksheets and supporting documents.** A Child Support Calculator is available through the People's Law Library of Maryland website (www.peoples-law.org) (See *Child Support Instructions* (CC-DRIN-010))

(See *General Instructions* (CC-DRIN) for information on what you may expect after you file your Answer, instructions about hearing preparation, and what to expect after a hearing or trial is complete.)