

# **Respond to a court case**

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If you're served with a lawsuit, you must respond in writing or risk losing by default. Learn how to respond properly and on time to avoid a default judgment and defend your case.

When someone files a court case against you, they must have a copy of their court papers – their petition or complaint, summons, and other papers filed - delivered to you. We call this having you "served" or "service of process."

You have a legal right to receive a copy of court papers filed against you. The judge won't make any decisions in the case until the person who filed (the other party") can show proof that you received copies of the court papers.

Once you've received the papers, you must act right away to figure out how to respond to the case by the court's deadline. Even if you think the other party served you incorrectly, don't ignore the papers! You can tell the court about service problems in your response.

"Respond" here means letting the court know in writing what your side of the court case is. You should do this even if you mostly agree with what the other party has asked for in their court papers.

If you don't respond by the deadline, the court will give the other party everything they've asked for in their court papers with no input from you (called a default judgment). It's very hard to undo a default.

Here are some examples why it's important to respond.

- Your spouse has filed for divorce and you've received a copy of the court papers . If you do nothing, the judge can order you to pay spousal support or divide your property or debts without your input. If you have children, the judge can make decisions about parenting and child support.
- A debt collector serves you with court papers that say you owe money. If you do nothing, the judge may order a default judgment against you. The debt collector may be able to take money from your paycheck, or take some of your property to pay the judgment.

You must respond to let the judge know that there are 2 sides of the case that the judge will need to hear and resolve.

If you're not sure how to respond, you can at least file a **Notice of Appearance** (NOA). An NOA tells the other party and the court that you want to defend yourself in the case, and you want to get notice if anything else happens in the case. Delivering an NOA will stop the court from entering a default judgment against you without notice and a hearing. You must still respond to the lawsuit and go to any court hearings that are scheduled.

***Important!*** If you've never lived in Washington or done business here, a Washington court may not have authority (jurisdiction) over you. Try to talk to a lawyer before doing anything else if you think

the court doesn't have jurisdiction. If you want to argue about jurisdiction, you must do that **before** filing anything else.

If you think the case was filed in the **wrong county** in Washington, you can file a [motion to change venue](#).

## If you agree with everything in the other party's court papers

If there's nothing for you and the other party to argue about, and you're certain you won't change your mind, you can usually "join" the other party's petition. You join the petition by signing it in the appropriate place at the end. If you do this and change your mind after all, you should file a response.

## Step-by-step

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1. **Figure out what type of case you're responding to, and what court it's in.**

Read the papers that were served on you. Find the title in the upper right section of the first page, under the case number. A **Complaint** or **Petition** should tell you exactly what the other party is asking the court to do. The **Summons** should give your deadline to respond and may say what form to use.

All court papers should say what court they're for at the top. For example, "Superior Court of Washington, County of Adams." It could also be a County District or Juvenile court, or a city Municipal court. Whatever court is listed, that's where you must file your response paperwork.

## 2. **Figure out your deadline to respond!**

You must file your response (or at least a Notice of Appearance) within the time limit listed in your Summons. If you've already missed your time limit, file a response anyway. A late response may be better than no response at all.

## 3. **Try to talk to a lawyer.**

Even if you cannot afford a lawyer to represent you, try to talk to a lawyer for advice, if you have time.

## 4. **Write your response.**

If there is a response form for your type of case, use it! Depending on the type of case, you might find the paperwork you need in our form library. If it's a family law case, answer a few questions on **Get family law forms** to get the right forms for your situation.

If you can't find a form for your situation, you can write your response on a piece of blank paper. Put the name of the court, the case number, the other party's name and your name at the top. Say who you are. Put whether you agree or disagree with each section in the Petition or Complaint that you received, or if you don't have enough information to

know. You can also put what you want the court to do about the case. Sign and date it. Follow the rules for formatting court documents.

**5. Make 2 copies.**

Make 1 copy for yourself, and 1 for the person who sued you (the other party).

**6. Serve a copy on the other party.**

If they have a lawyer, serve the lawyer instead of the party themselves.

You can do this yourself or have someone else do it for you. You can always serve by hand delivery or mail. You can serve by email or fax only if the other party (or their lawyer) says they accept service that way in their papers, or if your court's local rules allow it.

For hand delivery, the other party (or lawyer) must receive their copy by the deadline. Ask them or their office staff to date-stamp your copy.

For mailing, you must put the copies in the mail at least **3 days before** the deadline. Ask the Post Office for tracking or delivery confirmation.

You (or your server) must fill out and sign the Proof of Mailing or Hand Delivery. Make 1 copy.

**7. File the originals.** (If the case has not yet been filed, skip this step.)

You can be served with a lawsuit before the case is filed in court. Look for a case number on the papers you received. It should be on the top right of the first page. **If there's a case number, the case has been filed.** If you **don't** see a case number, it may not be filed yet. You can call the court clerk to check.

**To file in person:** Take your completed papers to the court clerk and file the originals. Have your copies date-stamped to prove when they were filed. Keep your copies.

**To file by mail:** mail the court clerk 2 copies with a postage-paid return envelope addressed to you. Mail early so the court receives it by the deadline!

**Some courts let you file papers online (e-file).** Check your court clerk's website for instructions.

## 8. **Get ready for and go to any court hearings.**

Once you've timely filed your response and served other party (or lawyer), you should get notice of any **court dates (hearings)**. If you're too late and the court has entered a judgment against you, try to talk to a lawyer (<https://get-legal-help>) right away.

**WashingtonLawHelp.org** gives general information. It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.