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Answer In A Connecticut Civil Action

What is an Answer in a civil action?

Connecticut Practice Book section 10-46 states that the Answer is the Defendant's pleading which responds to each and every allegation in the Plaintiff's Complaint. In the Answer, the Defendant responds to each allegation by either admitting or denying the allegation, or stating that the Defendant does not have enough knowledge to either admit or deny the allegation and leaves it to the Plaintiff to prove.

Connecticut Practice Book section 10-48 states that an Answer should be direct, precise and specific. The Answer should not be argumentative, hypothetical or stated in the alternative.

When to file an Answer?

A Defendant has several defense pleadings available to him or her before filing an Answer. Connecticut Practice Book sections 10-6 and 10-7 explain these pleadings and the order in which they are filed. A Defendant should read the Connecticut Practice Book and review these pleadings and the pleading order before filing an Answer. Filing an Answer waives, or takes away, the right of a Defendant to file any of these defense pleadings.

If a Defendant chooses to file an Answer as the first response to the Complaint, the Answer must be filed within 30 days of the return date on the summons. See Connecticut Practice Book section 10-8. If the Defendant does not file an Answer or any other pleading in response to the Complaint within 30 days of the return date, a default may be issued by the court. See Connecticut Practice Book sections 17-31 and 17-32.

What does an Answer look like?

In the Answer, you should respond to each paragraph of the Complaint by matching your response to the exact number used in the Complaint; Answer 1 responds to allegation paragraph 1, Answer 2 responds to allegation paragraph 2, and so on. The numbers are followed by a simple "admit," "deny," or "Defendant does not have enough knowledge to either admit or deny" and leaves it to the Plaintiff to prove. If you wish to admit or deny only a part of an allegation paragraph, the response must specifically state which part of the allegation it is admitting or denying. Connecticut Practice Book section 10-48.

What do the responses mean?

In an Answer, the following are the responses allowed and their meaning to the Court.

- "Admit" - Admission, the entire paragraph is true.
- "Deny" - Denial, the entire paragraph is false.
- "Do not know" - Lacks the knowledge to either admit or deny and leaves it to the Plaintiff to prove. This response is treated by the Court as a denial.
- "Admit in part and deny in part" - Admit part of the paragraph, but disagree with part.

If the Defendant agrees that one or more parts of the allegation paragraph are true but believes that one or more parts are false, the Defendant must explain in the Answer what parts are being admitted and what parts are being denied. See Connecticut Practice Book section 10-48. Admitting an allegation in its entirety means that the allegation is completely true and no part of the allegation can later be brought up for discussion.

What are Special Defenses?

A Special Defense is a legal reason why the Defendant should not be found liable, or responsible, for an allegation. Special Defenses must be listed in the Answer in a separate section of the Answer labeled "Special Defense(s)." The Defendant is required to prove any Special Defenses claimed. Special Defenses are discussed in Connecticut Practice Book sections 10-50 to 10-52.

What if the Plaintiff is partly at fault?

Connecticut Practice Book section 10-53 allows a Defendant to file a Special Defense claiming that the Plaintiff's actions contributed to, or are responsible for, his or her injuries. With a claim of Contributory Negligence, it is up to the Court to decide how much, if any, responsibility is the Plaintiff's.

What if I want to sue the Plaintiff?

Connecticut Practice Book section 10-54 allows the Defendant to bring a Counterclaim, which is a lawsuit filed by the Defendant against the Plaintiff. The Counterclaim must be about the events in the original Complaint and is filed along with the Answer.

How do I find an Answer form?

There are some pre-printed Answer forms for specific situations, including: JD-CV-40A1, Answer, Small Claims; JD-CV-106, Answer to Complaint, Civil Cases Only; JD-FM-160, Dissolution Answer; JD-FM-187, Answer Paternity Petition; and JD-HM-5, Summary Process (Eviction) Answer to Complaint. For other situations, the Defendant will need to write the Answer. Connecticut Practice Book Appendix Form 101 shows how to set up the pleading.