

Pre-Judgment: Basic Steps for Filing an ANSWER TO COMPLAINT

This guide is provided by the Wisconsin court system to give you general information about Wisconsin small claims actions. Resources available in each county may be found at the link below:

<https://www.wicourts.gov/services/public/selfhelp/docs/countylegalresources.pdf>

For additional information, please see the Pre-Judgment and Post-Judgment Basic Steps Documents. These basic steps documents and any forms mentioned in this basic guide may be obtained from the clerk of court or online at:

<https://www.wicourts.gov/forms1/circuit.htm>.

In addition to the guidance in this handbook, follow local court rules or procedures:

[Wisconsin Circuit Court Rules](#)

NOTICE: Small Claims laws change often. The small claims forms are intended to be useful in many cases, but you may have to add or attach additional information as it applies to your case. Talk to a lawyer if you are unsure whether these forms are the most appropriate for your situation.

COURT STAFF CANNOT GIVE LEGAL ADVICE.

- ☐ 1. **Decide if you need to file an answer and/or counterclaim.**
 - Does the county in which the case was filed require a written response?
Follow local court rules. <https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx>.
 - Do you disagree with any facts of the plaintiff's complaint?
 - Do you have any other reasons for disagreeing with the plaintiff's complaint?
 - Do you have a claim of your own against the plaintiff (a Counterclaim)?
- ☐ 2. **Fill out the Answer form.** Obtain the Answer and Counterclaim, ([SC-5200V](#)) form. The form has step-by-step instructions on the left side. Once you have filled out the form, you should make at least three copies. See Basic Guide to Wisconsin Small Claims Actions, ([SC-6000V](#)) for additional information on Answers and Counterclaims.
- ☐ 3. **File the Answer.** You must bring the Answer and Counterclaim form and 3 copies to the clerk of court in the county where the case was filed for processing. Rules vary by county. Follow local court rules.
- ☐ 4. **If you have a Counterclaim, pay the filing fee if necessary.** If you have a Counterclaim asking for a judgment for money that exceeds \$10,000 or is a tort or personal injury claim that exceeds \$5,000, you will have to pay a filing fee to the clerk of court. The case will no longer be heard in small claims court and it will be transferred to civil court. You must mail the Notice of Counterclaim – Claim Against Plaintiff(s), ([SC-5250V](#)) form that you have filed a counterclaim to the plaintiff(s) on the same day that you filed the counterclaim. The remaining steps below apply to counterclaims that ask for \$10,000 or less or are tort or personal injury claims that ask for \$5,000 or less.

- ☐ 5. **Serve (deliver) copies of the Answer to the plaintiff(s).** The requirements for this service (delivery) are different in each county. Follow local court rules. <https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx>.
- ☐ 6. **File the proof of service on the other party with the clerk of court.** If a sheriff or private process server has served the other party, file the proof of service with the clerk of court before the next court date. If you mailed the copy to the plaintiff, provide proof of mailing to the clerk of court by completing a *Declaration of Mailing, (SC-5130V)* form. Follow local court rules. <https://www.wisbar.org/Directories/CourtRules/Pages/Circuit-Court-Rules.aspx>.
- ☐ 7. **Prepare for the next court date.** Organize your paperwork and evidence in support of your *Answer and Counterclaim* and make enough copies for the court and all parties. If you have witnesses, arrange for them to attend. Practice what you are going to say.
- ☐ 8. **Attend the trial/hearing.** Be on time and be polite. Don't get emotional. Explain why the court should give you what you are asking for in your counterclaim. The court will review your evidence and listen to your witnesses, if any. When the court makes its decision, listen carefully. See the instructional packet, *Basic Guide to Wisconsin Small Claims Actions, (SC-6000V)*, for additional information about preparing and participating at trial.
- ☐ 9. If a court commissioner heard your case, any party may request a trial before a judge. To request a trial, complete and timely file a *Demand for Trial and Instructions, (SC-517)* form with the clerk of court.
- ☐ 10. **If you are granted a judgment, you may have the judgment docketed so it becomes a lien on the other party's real estate property.** Pay the docketing fee. The Court will enter an *Order for Financial Disclosure, (SC-506A)* form and the other party must complete the *Financial Disclosure Statement, (SC-506B)* form and send it to you within 15 days of entry of judgment unless they have already paid the judgment. If the other party does not complete the disclosure, you may file a *Motion and Request for Hearing on Contempt, (SC-507A)* form and *Order for Hearing on Contempt, (SC-507B)* form. The court does not collect your judgment for you, but there are actions you can take to collect your judgment.

See the following forms for further instruction depending on the type of judgment you were granted:

- Post-Judgment: Basic Steps for Docketing a Judgment for Collection, [\(SC-6060V\)](#)
- Post-Judgment: Basic Steps for Handling a Small Claims Earnings Garnishment, [\(SC-6070V\)](#)
- Post-Judgment; Basic Steps for Handling a Non-Earnings Garnishment, [\(SC-6071V\)](#)
- Post-Judgment; Basic Steps for Handling an Execution Against Property, [\(SC-6080V\)](#)
- Post-Judgment; Basic Steps for Collecting on a Money Judgment, [\(SC-6090V\)](#)
- Post-Judgment; Basic Steps for Collecting on a Judgment for Replevin, [\(SC-6100V\)](#)