

# **Kansas Legal Services**

A non-profit law firm and community education organization helping low and moderate income people in Kansas



www.kansaslegalservices.org

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## **What to do if . . . you get sued for money.**

If you get a summons saying that you have been sued for a debt or another reason, you should do the following:

### **Learn what type of case you are involved in.**

The simplest way is to look at whether the summons gives you a specific date to appear in Court.

- If it does give you a specific date, you are involved in a limited action case.
- If it does not give a specific date, it may give you 20 days from receipt of the paperwork to file the answer. Here, you are involved in a "Chapter 60" case.

### **Determine the date for appearing in court or filing your answer.**

- Put that date on a calendar, so you don't forget.
- Failing to meet the deadline means that you lose the case, even if you have a good defense.

### **Learn more about the process for handling the type of case you are involved in.**

- Click below to learn about Limited Action Cases and filing answers.

#### **Limited Action**

- More info will be added about Chapter 60 cases at a later time.

### **If you have a reason why you don't owe this money, tell the Court**

- You should write a reply to this lawsuit and file it with the Clerk of the District Court.
- This is called an "Answer". This is the first step in asking for a trial, at which you can present your defense to the Judge.
- If you file an answer before your appearance date, you do not need to appear in court on

the date stated in a Chapter 61 summons.

Information below will guide you about how to prepare and file the answer with the Clerk of the District Court.

**? If you agreed in your reply to the charges made by the plaintiff**, then a binding legal court judgment will be entered. This will be entered against you by the Judge in the amount asked for by the Plaintiff. You can meet with the attorney for the plaintiff, and try to work out a sensible payment plan with them. Make sure if you do that it's in writing, or confirmed in writing. Then, make sure you keep the agreement.

Try not to pay in cash, but if you have to, be sure you get a receipt. Make sure that the payments are traceable, so you know they were received.

If you don't reach an agreement OR if you make a plan and don't keep it, the Plaintiff can:

1) garnish your paycheck and get 25% of your pay (if over minimum wage, 30 hours per week)  
OR

2) attach your bank account and take all the money in the account (unless you only have Social Security or SSI in the account).

**? If you disagreed in the written answer** filed with the Clerk of the District Court , you will receive a new order to appear. It will state a specific date for a pre-trial hearing. Don't lose that date.

At the pre-trial hearing, the Judge will try to decide what the issues of dispute are in your case and see if the case can be settled. The judge will do so without hearing the testimony of witnesses or reviewing evidence. If an agreement can be reached, then the agreement becomes an order of the Judge.

**If there is no agreement, then the case is set for a trial.**

At the trial, the Petitioner must put on evidence to prove their case and the Defendant may put on evidence to counter the proof provided by the Petitioner.

**? Note:** Some exchange of evidence may happen before trial. This could include interrogatories or requests for admission, which have specific deadlines that must be met or you can lose the right to have a trial.

### **Identity Theft:**

- If you want to file an answer stating you don't owe a debt due to identity theft, Kansas Legal Services has an interactive interview to prepare that document for you. **[Click here.](#)**
- You can use the identity theft answer if the debt is the result of a credit card that you did not apply for, receive or use, or a card that was used after you notified the creditor that it was stolen and/or used by an unauthorized person,

## Statute of Limitations:

- You can raise a statute of limitation defense in your answer in certain types of cases.
- This is when it is a written agreement to borrow money and more than 5 years have passed since you last paid on the debt or since you last admitted that you owed the money. This includes owing up to the debt over the phone.
- There is an interactive interview to prepare that reply for you. [Click here](#).

## Other:

- If you have a different reason for believing you don't owe the debt, you can file an answer stating your reasons.
- You can complete the form [here](#). There are step-by-step instructions for preparing and filing this form.

## General Tips:

- As with any case, dates are important so write them down and make sure to follow deadlines.
- Also, make 2 copies of everything and keep a copy for yourself.
- Remember, court clerks and judges cannot give you legal advice.

 [Limited Action Suits- Final.pdf](#)

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<http://www.kansaslegalservices.org/node/1681/what-do-if-you-get-sued-money>

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