

1 Code No. _____

2 Name: _____

3 Address: _____

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5 Telephone Number: _____

6 In Proper Person

7
8 IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF _____

10
11 _____)
12 (The other party's name))
13 vs Plaintiff,)
14)
15 (Your name))
16 Defendant.)

Case No. _____

Dept. No. _____

17 **ANSWER TO COMPLAINT FOR DIVORCE AND COUNTERCLAIM**
18 **(With Children)**

19 COMES NOW, Defendant, _____, in Proper Person, and
20 (Your name)

21 hereby Answers Plaintiff's Complaint as follows:

22 **I.**

23 ***On the line below, write in the paragraph numbers from the Complaint that you agree with.***

24 Defendant admits the allegations contained in paragraph(s) _____

25 _____ of the Complaint.

1 **II.**

2 *On the line below, write in the paragraph numbers from the Complaint that you do not*
3 *agree with.*

4 Defendant denies the allegations contained in paragraph(s) _____
5 of the Complaint.

6 **III.**

7 *On the line below, write in the paragraph numbers from the Complaint that you do not*
8 *know to be true or false because you do not have enough information.*

9 After reasonable investigation, this Defendant is without sufficient information to form a
10 belief as to the truth or falsity of the matters alleged in paragraph(s) _____
11 of the Complaint; the allegations are therefore denied with proof demanded at trial.

12 **COUNTERCLAIM**

13 Defendant, as and for a Counterclaim for Divorce against Plaintiff, alleges as follows:

14 **IV.**

15 The _____ is a resident of the State of Nevada, County of
16 (Plaintiff or Defendant) _____,
17 for a period of more than six weeks immediately preceding the
18 (County of residence) commencement of this action, has resided in, been physically present in, and is a resident of, the
19 State of Nevada, and intends to continue to make the State of Nevada _____ home for an
20 (his or her) indefinite period of time.

21 The _____ is a resident of the State of _____, County of
22 (Plaintiff or Defendant) _____ (State of residence)
23 _____
24 (County of residence)

25 **V.**

26 The parties were married on _____, in _____
27 (date of marriage) (City or County of Marriage)
28 State of _____, and ever since that day have been, and are now,
29 (State in which marriage took place)
30 husband and wife.

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VI.

The parties were separated on _____.
(date)

VII.

Wife _____ pregnant at this time.
(is or is not)

If Wife is pregnant at this time, answer the following questions. If Wife is not pregnant, print "N/A" in the spaces.

Husband _____ the father of the unborn child. The unborn child is
(is or is not)
due to be born on: (date of expected birth)_____.

VIII.

In the following paragraph, list all minor children born of this union, whether born prior to marriage or during the marriage and also include any minor children who were adopted during the time of the marriage.

That there are _____ minor children born to, or adopted, through this union.
(Number of minor children)

<u>Name</u>	<u>Age</u>	<u>Date of Birth</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

1 IX.

2 Children's Residence

3 *In the following paragraph, print each child's name and indicate in what State each*
4 *child presently resides and how long the child has resided in that state.*

5 The state of residence of the children is as follows:

<u>Name</u>	<u>State Of Residence</u>	<u>Length Of Time Child Has Lived In That State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

6 If the children have not been physically present in the State of Nevada for the past six
7 months, **STOP HERE**. There may be a jurisdictional issue regarding the authority of the
8 court to enter orders concerning custody and visitation of the children and you should seek
9 immediate legal assistance on this matter before going any further.
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12

13 X.

14 LEGAL CUSTODY OF THE CHILDREN

15 **WARNING:** *Your choice of custody terms will have a direct effect on your legal rights*
16 *to your children. Be sure you are familiar with the legal definitions of the different*
17 *kinds of custody before you agree to how custody will be stated in these documents.*

18 *The policy of the State of Nevada is to grant parents joint legal custody. Sole legal*
19 *custody is granted only in extreme or unusual circumstances.*

20 *Initial only ONE of the following statements and print "N/A" in the other space.*

21 **WARNING:** *If you select "SOLE CUSTODY" you must describe facts which*
22 *demonstrate why joint custody is not in the child's best interest and you may be*
23 *required to appear in court to justify your choice of sole legal custody..*

1 _____ Mother and father are fit and proper persons to share joint legal custody of the minor
Initial
2 child(ren) _____

3 (names of child(ren))

4 **OR**

5 _____ is a fit and proper person to have sole legal custody
Initial (mother or father)
6 of the minor child(ren) _____

7 (names of child(ren))

8 The other parent is not fit to have joint legal custody because _____

9
10
11 **X.**

12 **PHYSICAL CUSTODY OF THE CHILDREN**

13 *There are **THREE** different choices in the following paragraph: (a) joint physical*
14 *custody; (b) primary physical custody; or (c) sole physical custody; Choose only **ONE**.*
*Initial the **ONE** choice. In the space not initialed, print "N/A".*

15 **(a) Joint Physical Custody**

16 _____ husband and wife are fit and proper persons to be awarded joint physical custody
Initials
17 of the minor children _____

18 (Names of children)

19 with visitation and exchange as set out in Paragraph XII.

20 **(b) Primary Physical Custody**

21 _____ is a fit and proper person to have the primary
Initials (Name of custodial parent)

22 physical custody of the minor child(ren), _____

23 (Names of the children)

24 with visitation by the non-custodial parent as set forth in the following schedule.

25 **(c) Sole Physical Custody**

_____ is a fit and proper person to have the sole
Initials (Name of custodial parent)

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physical custody of the minor child(ren), _____

(Names of the children)

with visitation by the non-custodial parent as set forth in the following schedule.

XII.

WEEKLY/MONTHLY AND SUMMER EXCHANGE AND VISITATION

Visitation must be set out in specific detail, including a full weekly or monthly schedule with the days and exchanges will take place, the times of the exchanges, and who will provide transportation. Also include specific details regarding holiday sharing and summer vacation periods. Without very specific visitation, a Decree will not be granted. Terms such as "reasonable visitation" and "visitation at reasonable times and places" will not be accepted.

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On each of the following holidays, visitation shall commence at _____ .m. on
the day of the holiday and end at _____ .m.

_____ will provide the transportation for the initial exchange
(Visiting parent or custodial parent)

and _____ will provide the transportation for the return exchange
(Visiting parent or custodial parent)

New Year's Day will be alternated with _____ having
(Husband or Wife)
the child in the year _____ and each _____ year thereafter.
(odd or even)

Martin Luther King's Birthday will be alternated with _____ having
(Husband or Wife)
the child in the year _____ and each _____ year thereafter.
(odd or even)

President's Day will be alternated with _____ having
(Husband or Wife)
the child in the year _____ and each _____ year thereafter.
(odd or even)

Memorial Day will be alternated with _____ having the
(Husband or Wife)
child in the year _____ and each _____ year thereafter.
(odd or even)

Fourth of July will be alternated with _____ having the
(Husband or Wife)
child in the year _____ and each _____ year thereafter.
(odd or even)

Labor Day will be alternated with _____ having the child in
(Husband or Wife)
the year _____ and each _____ year thereafter.
(odd or even)

Nevada Day will be alternated with _____ having the child in
(Husband or Wife)
the year _____ and each _____ year thereafter.
(odd or even)

Halloween will be alternated with _____ having the child in
(Husband or Wife)
the year _____ and each _____ year thereafter.
(odd or even)

1 Veteran's Day will be alternated with _____ having the child in
2 (Husband or Wife)
3 the year _____ and each _____ year thereafter.
4 (odd or even)

5 Child's birthday will be alternated with _____ having the child in
6 (Husband or Wife)
7 the year _____ and each _____ year thereafter.
8 (odd or even)

9 _____ Wife shall have the child on Mother's Day and Husband shall have the child on
10 (Yes or No)
11 Father's Day.

12 **XIII.**

13 **CHILD SUPPORT**

14 *The child support MUST be based on the formula as set out in the Nevada Revised*
15 *Statutes. You may not just state an arbitrary amount and you may not state "no child*
16 *support to be paid"..*

17 _____ shall pay child support in the amount of \$_____
18 (Husband or Wife)

19 **per month, per child**, for a total monthly child support obligation of \$_____. The
20 (Total monthly child support payment)

21 child support shall be paid on or before the _____ day of each month.

22 This amount is based upon the following information:

23 Husband's gross monthly income is \$_____.
24 (Amount earned per month before deductions)

25 Wife's gross monthly income is \$_____.
(Amount earned per month before deductions)

26 **Initial either line 19 or line 23 or line 1 of the next page. DO NOT INITIAL ALL LINES.**
27 **Print "N/A" on those lines you do not initial.**

28 _____ is the non-custodial parent and, the amount on line 10
29 (Husband or Wife)
30 above, is in compliance with NRS 125B.070 and is either _____ % of
31 (18%, 25%, 29%, 31%)
32 _____ gross monthly income or the statutory minimum.
33 (Husband's or Wife's)

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OR

Because Parents are joint physical custodians, the amount of child support on line 10 of the previous page meets the statutory requirement.

OR

The support obligation amount is not the amount required in the statutes. Under the statutes, the child support obligation for _____ would be \$ _____ (Husband or Wife) per month, per child. However, that amount should be different because: (Please see NRS 125B.080 for the only reasons you can deviate from the statutory formula, and list your reasons here)

The child support obligation for each child shall continue until that child reaches 18 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of age.

A wage assignment for the child support _____ be immediately put in place. (will or will not)

If child support arrears from the date of separation are being requested, you must fill in the following information. If you are not claiming child support arrears, print "N/A" on the following lines. If you are claiming child support arrears pursuant to NRS 125B.030, you may request up to four (4) years in arrears without a prior court order.

Defendant requests child support in the amount of \$ _____ per month, per child,

1 for a total of \$_____ per month from the date of the separation to the date of the Decree
2 or other Order is filed.

3 ***You must initial ONLY ONE of the following statements regarding child support. On***
4 ***all other lines, print "N/A"***

- 5 1. _____ There is already a Child Support action through the District Attorney's Office and
6 payment of the child support shall continue to be handled through that office.
- 7 2. _____ The children are receiving Welfare benefits and the Welfare Department has, or
8 will have, a child support case through the District Attorney's Office and the
District Attorney's Office shall continue to handle the child payments.
- 9 3. _____ No formal child support obligation has ever previously been established and this
10 will be the first Court Order for child support and the parent paying child support
will pay the support directly to the receiving parent.
- 11 4. _____ Although this is the first Court Order for child support, the payments will be
12 through the District Attorney's Office and the parent who will be collecting child
13 support shall open the case with the District Attorney's Office.

14 **XIII.**

15 **HEALTH CARE**

16 ***Provisions must be made for health care for the child(ren). If neither parent has health***
17 ***insurance on the child(ren), that must be stated. If the children are on Medicaid or***
Nevada Check-Up, that must be stated. Fill in all spaces, do not leave any spaces blank.

18 The child(ren) presently _____ covered by a health insurance policy. The
19 (are or are not)
children's portion of the premium costs \$_____ per month.

20 The child(ren) presently _____ on Medicaid.
21 (are or are not)

22 The children presently _____ on Nevada Check-up.
23 (are or are not)

24 _____ shall maintain health insurance on the child(ren).
(Husband, Wife, both parents, or neither parent)

25 The parties shall each share, equally, any health expenses incurred on behalf of the
child(ren) that are not covered by insurance and each party shall be responsible for one half of

1 the deductible and one half of the medical insurance premium if the child(ren) are covered by
2 medical insurance.

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6 **XIV.**

7 **DIVISION OF ASSETS**

8 ***Initial ONLY ONE of the statements below. Print "N/A" in the spaces you do not use.
9 Be sure to address all retirement accounts, bank accounts and vehicles. When listing
accounts, use the last four digits of the account. Include the VIN numbers when listing
vehicles.***

- 10 1. _____ All of the community assets and property have been previously divided and
11 each is to keep the property they have in their possession at this time.
- 12 2. _____ There is no community property to be divided.
- 13 3. _____ The community property should be divided as follows: (Be sure to list **specific**
14 assets with enough information to identify those assets, including pension benefits.)

15 **WIFE SHALL RECEIVE THE FOLLOWING**
16 **AS HER SOLE AND SEPARATE PROPERTY:**

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19 _____

20 _____

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HUSBAND SHALL RECEIVE THE FOLLOWING
AS HIS SOLE AND SEPARATE PROPERTY:

(If more room is needed, attach additional sheets but make sure the sheets are clearly identified as a continuation of the division of assets. Write only on one side of the page of additional sheets and each additional sheet must be initialed.)

1 There may be additional community assets of the parties, the exact amounts and
2 descriptions of which are unknown to Defendant at this time. Defendant asks permission of this
3 Court to amend this Answer and Counterclaim to insert this information when it becomes known
4 to Defendant, or at time of trial.

5 **XV.**

6 **DIVISION OF DEBTS**
7 ***Initial ONLY ONE of the three statements below. Print "N/A" in the spaces you do not***
8 ***use. Be sure to list all credit cards with the last four numbers of each account, if***
9 ***known.***

- 10 1. _____ All of the community debts have been previously divided and each is to keep
11 those debts assigned to them and hold the other party harmless from those
12 debts.
- 13 2. _____ There are no community debts to be divided.
- 14 3. _____ The community debts should be divided as follows: (Be sure to list **specific**
15 debts with enough information to identify those debts, including the last four
16 numbers of any credit card accounts, if known.)

17 **WIFE SHALL RECEIVE THE FOLLOWING DEBTS**
18 **AS HER SOLE AND SEPARATE DEBTS AND**
19 **SHALL INDEMNIFY AND HOLD HUSBAND HARMLESS FROM THESE DEBTS:**

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HUSBAND SHALL RECEIVE THE FOLLOWING DEBTS
AS HIS SOLE AND SEPARATE DEBTS AND
SHALL INDEMNIFY AND HOLD WIFE HARMLESS FROM THESE DEBTS:

(If more room is needed, attach additional sheets but make sure the sheets are clearly identified as a continuation of the division of debts. Write only on one side of the page on additional sheets and each additional sheet must be initialed.)

There may be additional community debts of the parties, the exact amounts and descriptions of which are unknown to Defendant at this time. Defendant asks permission of this Court to amend this Answer and Counterclaim to insert this information when it becomes known to Defendant, or at time of trial.

XVI.

SPOUSAL SUPPORT (ALIMONY)
Initial only ONE of the following statements. If you initial one of the statements which makes a provision for spousal support, be sure to fill in all the spaces in that statement. DO NOT LEAVE ANY SPACES BLANK IN THIS SECTION. PRINT "N/A" IN ALL

SPACES THAT ARE NOT APPLICABLE TO YOU. Spousal support will automatically terminate on the death of either of the parties.

_____ Spousal support is not appropriate in this case .

_____ Wife shall receive spousal support in the amount of \$_____per
(Amount Wife to receive)
_____, due and payable on the _____of each
(Week or month) (Date amount due)
_____ for a period of _____
(Week or month) (Number of weeks, months or years)
The spousal support shall begin on _____
(Date spousal support to begin)
and end on _____. Spousal support
(Date last spousal support payment will be made)
shall cease upon the remarriage of the recipient or the death of either party.

_____ Husband shall receive spousal support in the amount of \$_____per
(Amount Husband to receive)
_____, due and payable on the _____of each
(Week or month) (Date amount due)
_____ for a period of _____
(Week or month) (Number of weeks, months or years)
The spousal support shall begin on _____
(Date spousal support to begin)
and end on _____. Spousal support
(Date last spousal support payment will be made)
shall cease upon the remarriage of the recipient or the death of either party.

XVII.

FORMER NAME
If wife is filing, wife should initial ONLY ONE of the following three statements and print "N/A" in the spaces not filled in. If husband is filing, husband should print "N/A" in all the spaces.

_____ Wife does not wish to return to her former name.

_____ Wife wishes to return to her former name of _____

(Print full name).

1 _____ Wife never changed her name and, therefore, does not request restoration of her
2 former name.

3 **XVIII.**

4 The parties are incompatible in marriage and there is no hope for reconciliation and/or the
5 parties have lived separate and apart for more than one year without cohabitation.

6 WHEREFORE, Defendant prays for judgment against Plaintiff as follows:

7 1. That the bonds of matrimony heretofore and now existing between the Plaintiff and
8 Defendant be forever dissolved, and that each of the parties be restored to the status of unmarried
9 persons.

10 2. That the Court grant the relief requested in this Answer and Counterclaim;

11 3. That the Court award Defendant child support in the amount of \$_____ per month
12 per child for a total of _____ per month until the Decree of Divorce or other Order
13 is filed.

14 4. That the Court award Defendant spousal support in the amount of \$_____ per
15 month until the Decree of Divorce or other Order is filed.

16 5. For such other relief as the Court finds to be just and proper.

17 DATE: _____

18 _____
(Signature)

19 _____
(Address)

20 _____
21 (Telephone number)
22 In Proper Person

23 STATE OF NEVADA)
24 County of _____) ss

25 _____, being first duly sworn, under oath and the
(Your name)

1 penalties of perjury, deposes and says: I am the Defendant in the above entitled action, and
2 competent to testify as to the contents of the attached pleading of my own knowledge; that I have
3 read the foregoing Answer to Complaint for Divorce and Counterclaim and know the contents
4 thereof; that the same are true to the best of my own knowledge, save and except to those matters
5 stated upon information and belief, and, as to those matters, I believe the same to be true.

6 Dated this _____ day of (month) _____, (year) _____.

7 _____
(Signature)

8 _____
(Printed Name)

9 SUBSCRIBED and SWORN to before me

10 this _____ day of _____, _____.

11 _____
12 NOTARY PUBLIC
13 STATE OF NEVADA)
14 County of _____) ss

15 On this _____, _____ personally appeared before me, the
16 undersigned, a Notary Public in and for the County of _____, State
17 of Nevada, _____, personally known to
18 me or proved to me to be the person whose name is subscribed to the above instrument who
19 acknowledged that she/he executed the above instrument freely and voluntarily for the uses and
20 purposes therein mentioned.

21 _____
NOTARY PUBLIC