

Your Name: _____
Address: _____
City, State, Zip _____
Telephone: _____
Email Address: _____
Self-Represented Defendant

DISTRICT COURT
_____ **COUNTY, NEVADA**

_____	CASE NO.: _____
Plaintiff,	DEPT: _____
vs.	

Defendant.	

**ANSWER AND COUNTERCLAIM FOR SEPARATE MAINTENANCE AND UCCJEA
DECLARATION (With Children)**

Defendant (*your name*) _____ respectfully states:

1. Defendant admits the following allegations: (*write the paragraph numbers from the Complaint you agree with*) _____.
2. Defendant denies the following allegations: (*write the paragraph numbers from the Complaint you disagree with*) _____.
3. Defendant is without sufficient knowledge to admit or deny the following allegations: (*write the paragraph numbers you are unsure about*) _____.

COUNTERCLAIM

1. Residency. (*Name of spouse who is a Nevada resident*) _____
 has been a resident of the State of Nevada for at least six weeks prior to filing this
 Complaint for Divorce and intends to make Nevada his/her home for an indefinite
 period of time.

2. Marriage. The parties were married on (*date*) _____ in
 (*city*) _____, (*state*) _____.

- The parties are incompatible, and reconciliation is not possible.
- The parties have lived separate and apart for more than one year and there is no possibility of reconciliation.
- The Plaintiff deserted the Defendant at least 90 days prior to filing this case and has not returned.

3. Pregnancy. (*check one*)

- Neither spouse is pregnant.
- The following spouse is pregnant: (*name of pregnant spouse*) _____.
 The other spouse is / is not the parent of the unborn child. The child is due to be born on (*date*): _____.
- It is unknown whether either spouse is currently pregnant.

4. Children. There are (*number*) _____ minor children in common born to or adopted by the parties. The children's names and information are listed below:

Child's Name	Date of Birth	Age

5. UCCJEA Declaration. (*check one*)

The children have lived in Nevada for the past six months, or since birth. Nevada is the children’s “home state.”

The children have NOT lived in Nevada for the past six months or since birth. Nevada is not the children’s “home state.”

a. Living Arrangements Last 5 Years. The children have lived with the following people in the following places within the last five years:

Time Period (mo/yr – mo/yr)	Name of Person the Children Lived With	City and State	Child’s Name (if not all children)
_____ - present			
_____ - _____			
_____ - _____			
_____ - _____			
_____ - _____			

The names and current addresses of each non-parent the children lived with during the last five years are: _____

b. Participation in Other Cases: (*check one*)

I have / have not participated as a party or witness or in some other capacity in any other case involving the children. If you have, provide all specifics including the state, the court, children involved, the case number and the date of the child custody order, if any:

c. Knowledge of Other Cases: (*check one*)

I do / do not know of a different case that could affect the current case. If you do, provide all specifics including the state, the court, parties involved, the case number and the nature of the proceeding: _____

d. Person(s) Who Claim Custody / Visitation: (*check one*)

I do / do not know of anyone other than the parents who has physical custody of the children or who claims custody/visitation rights to the children. If you do, list names and addresses of anyone who claims custody/visitation rights:

6. Legal Custody. *Legal custody refers to the ability to access information and make major decisions about the children, such as medical care, education, and religious upbringing.* (*check one*)

- The parties should share joint legal custody of the children.
- Plaintiff should have sole legal custody of the children.
- Defendant should have sole legal custody of the children.
- Nevada is not the “home state” of the children and the Court generally cannot enter custody orders.

7. Physical Custody. *Physical custody refers to the amount of time the children spend with each parent.* (*check one*)

- The parties should share joint physical custody of the children (each parent must have the children roughly 40% of the time, or 146 days per year). A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.
- The (*check one*) Plaintiff / Defendant should have primary physical custody of the children. A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.
- Nevada is not the “home state” of the children and the Court generally cannot enter custody orders.

8. Public Assistance. (*check one*)

- None of the parties in this case have ever received state assistance or welfare.
- State assistance or welfare has been or is being provided to parties in this case.

9. Child Support. *Complete the attached Child Support Worksheet that applies to your custody arrangement before you complete this section.* (*check one*)

- Child support should be paid by (*name of parent who should pay child support*) _____ in the amount of (*amount*) \$ _____ per month. This is based on: (*check one*)

- The statutory minimum of \$100/month per child.
- The calculation from the attached Child Support Worksheet.
- The amount already established by the District Attorney / Child Support Enforcement office, case (*insert case number*) _____.

- No child support is requested. (*Explain why not*): _____

- I'm not sure how much child support should be paid, and ask the court to set support.

10. Child Support Arrears. *A maximum of four years' worth of child support arrears may be requested. The court may award some, none or all that is requested.* (*check one*)

- No back child support or arrears are requested.
- Child support arrears are being handled by the District Attorney / Child Support Enforcement office, case (*insert case number*) _____ and should continue as ordered in that case.
- Back child support should be paid by (*name of parent who should pay back child support*) _____ from (*date back child support should begin*) _____ to present.

11. Wage Withholding. (*check one*)

- A wage withholding order should be entered to secure payment of any support owed.
- A wage withholding order should NOT be entered.

12. Health Insurance. (*check all that apply*)

- Both parties should provide future health insurance for the minor children if available.
- Future health insurance for the minor children should be provided by (*name of parent*) _____ if available.

13. Unreimbursed Medical Expenses. (*check one*)

- Any expenses not covered by insurance should be paid equally by both parties.
- Any expenses not covered by insurance should be paid by (*name of parent*) _____ due to the following extraordinary circumstances:
(*explain*) _____

14. Tax Deduction. (*check all that apply*)

- Plaintiff should claim the following children as dependents for tax purposes every year: (*insert children's names*): _____
- Defendant should claim the following children as dependents for tax purposes every year: (*insert children's names*): _____
- The tax deduction should alternate, with Plaintiff claiming the children in (*check one*) even / odd years, and Defendant claiming the children the other years.
- The tax deduction should be allocated per federal law.

Community Property:
Community property includes but is not limited to: checking, savings, and other investment accounts, real property / houses, vehicles, pensions, 401(k)s, deferred compensation, IRAs, and personal property.
Make sure the list of property below is complete.

15. Community Property. (*check one*)

- There is no community property to divide.
- Any community property has already been divided.
- I do not know the full extent of the community property.
- The community property should be divided as follows:

Plaintiff:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Defendant:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Attach additional sheets if more property needs to be listed.

///
///
///
///

Community Debt:

Community debt includes but is not limited to: mortgages, car loans, credit cards, & tax debt. The division of debt does not affect creditors' rights to collect the debt. The parties may be required to restructure the debts per creditors' requirements.

16. Community Debt. (*check one*)

- There is no community debt to divide.
- Any community debt has already been divided.
- I do not know the full extent of the community debt.
- The community debt should be divided as follows:

Plaintiff:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Defendant:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Attach additional sheets if more debts need to be listed.

17. Alimony. (*check one*)

- No spousal support is requested.
- Plaintiff should pay \$_____ per month in spousal support for the next (*number*) _____ years.
- Defendant should pay \$_____ per month in spousal support for the next (*number*) _____ years.

18. Name Change. (*check one*)

- Defendant does not request a name change.
- Defendant would like his/her former name of (*insert name*) _____ restored.

19. Request for Divorce. (*check one*)

- Defendant requests a divorce from the Plaintiff.
- Defendant does not request a divorce from the Plaintiff.

Defendant requests:

1. That Defendant be granted an absolute Decree of Separate Maintenance and/or Divorce;
2. That the Court grant the relief requested in this Counterclaim; and
3. For such other relief as the Court finds to be just and proper.

DATED this (*day*) _____ day of (*month*) _____, 20____.

Submitted By: (*your signature*) ▶ _____
 (*print your name*) _____

VERIFICATION

Under penalty of perjury, I declare that I am the Defendant in the above-entitled action; that I have read the foregoing Answer and Counterclaim and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED this (*day*) _____ day of (*month*) _____, 20____.

Submitted By: (*your signature*) ▶ _____
 (*print your name*) _____

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

No Visitation Requested Because: *(explain in detail on separate sheet)*

<p>Regular Weekly Schedule During School Year: <i>Be very specific. Include the times and days of the week for each parent's timeshare.</i> <i>(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Summer Schedule:</p>	<p><input type="checkbox"/> Same as the regular schedule. <input type="checkbox"/> Other: _____</p>
<p>Mother's Day:</p>	<p><input type="checkbox"/> Mother every year from 9am – 7pm. <input type="checkbox"/> Other: _____</p>
<p>Father's Day:</p>	<p><input type="checkbox"/> Father every year from 9am – 7pm. <input type="checkbox"/> Other: _____</p>
<p>Children's Birthday:</p>	<p><input type="checkbox"/> <i>Even years</i> with <i>(parent)</i> _____ <i>Odd years</i> with <i>(parent)</i> _____ *Time shall be from 9am – 7pm.* <input type="checkbox"/> Other: _____</p>
<p>3 Day Weekends:</p>	<p><input type="checkbox"/> Each December before December 31, the parties must confer regarding their respective schedules for the upcoming year and agree in writing on an allocation of the Martin Luther King Day; President's Day; Labor Day; Memorial Day; and Nevada Day three day weekends between themselves. If the parties do not agree, the parties' normal weekly schedule will control with the parent otherwise entitled to have the children over the weekend being entitled to have the children in his or her care for the holiday as well. <input type="checkbox"/> Other: _____</p>
<p>Fourth of July:</p>	<p><input type="checkbox"/> Even years with <i>(parent)</i> _____ Odd years with the other parent. *Time shall begin July 4, at 10 a.m. and end on July 5, at 10 a.m.* <input type="checkbox"/> Other: _____</p>

Easter / Spring Break:	<input type="checkbox"/> Even years with (<i>parent</i>) _____ Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input type="checkbox"/> Other: _____
Thanksgiving:	<input type="checkbox"/> Odd years with (<i>parent</i>) _____ Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input type="checkbox"/> Other: _____
Winter Break / Christmas:	<input type="checkbox"/> Segment 1 consists of the first one-half of the Winter break and includes Christmas Eve and Christmas Day. Segment 1 begins the day the children are released from school for the break at the time the children are released from school. Segment 2 consists of the second one-half of the Winter break and includes New Year's Eve and New Year's Day. Segment 2 begins at noon on the first day of the second half of the Winter break and ends at noon the day before school resumes. In the event that the date marking the halfway point in the Winter break falls on December 25, Segment 2 will not begin until December 26. <u>Even years:</u> Segment 1 with (<i>parent</i>) _____, Segment 2 with the other parent. <u>Odd years:</u> segment 1 with (<i>parent</i>) _____, segment 2 with the other parent. <input type="checkbox"/> Other: _____
Other Holidays:	_____ _____ _____ _____
Vacation:	<input type="checkbox"/> The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the children. <input type="checkbox"/> Each parent may have up to (<i>number</i>) _____ vacation days per year with the children. The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (<i>number</i>) _____ days before the planned vacation. Vacation time supersedes the normal weekly or summer schedule and is not allowed during a holiday or school break allotted to the other parent.

Worksheet A - Primary Physical Custody Child Support Calculation Worksheet

If you are asking for primary physical custody, fill out this worksheet and attach it to the document you are filing. Primary physical custody exists when one parent has the child more than 60% (219 days) of the time calculated over a one year period.

① Determine the Gross Monthly Income (GMI) of the non-custodial parent (estimate if unknown).

Gross monthly income is the income received from all sources. If you do not know the parent's gross monthly income, you can calculate the number with the formula on the last page.

② Determine Child Support Obligation.

GMI \$ _____

X **.18** (for 1 Child)
.25 (for 2 Children)
.29 (for 3 Children)
.31 (for 4 Children)
 Add .02 for each additional child

=

<p>Monthly Child Support: \$ _____ OR \$100 per child \$ _____ (write the higher amount) Higher Amount: \$ _____</p>

③ Apply the Presumptive Maximum.

Usually, this is the maximum amount a parent may be required to pay per month per child (and can *reduce* – not increase – the amount that would be owed under step ②). This amount changes every year on July 1st and can be found by going to <http://nvcourts.gov> and searching the phrase “presumptive maximum.” Make sure you are using the most current chart.

<p>Presumptive Maximum Reduction to: \$ _____ Or <input type="checkbox"/> not applicable</p>

④ Deviations. You may request an amount of child support that is lower or higher than the amount in ② or ③, but your reason(s) must be based upon one of the following factors. (*check all that apply*)

- | | |
|-----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> The cost of health insurance | <input type="checkbox"/> Expenses reasonably related to the mother's pregnancy and confinement |
| <input type="checkbox"/> The cost of childcare | <input type="checkbox"/> Cost of transportation for visitation if the custodial parent moved out of the jurisdiction |
| <input type="checkbox"/> Special educational needs | <input type="checkbox"/> The amount of time the child spends with each parent |
| <input type="checkbox"/> Age of the child | <input type="checkbox"/> Any other necessary expenses for the benefit of the child |
| <input type="checkbox"/> Parent's legal responsibility to support others | <input type="checkbox"/> The relative income of both parents |
| <input type="checkbox"/> The value of services contributed by either parent | |
| <input type="checkbox"/> Public assistance paid to support the child | |

Explain: _____

<p>Total Child Support: \$ _____</p>

Worksheet B - Joint Physical Custody Child Support Calculation Worksheet

If you are asking for joint physical custody, fill out this worksheet and attach it to the document you are filing. A joint physical custody arrangement exists when each parent has the child at least 40% (146 days) of the time calculated over a one year period.

Parent 1's Name: Parent 2's Name:

① Determine Each Parent's Gross Monthly Income (GMI) (estimate other parent's income if unknown).

Gross monthly income is the income received from all sources. If you do not know a parent's gross monthly income, you can calculate the number with the formula on the last page.

② Determine Each Parent's Child Support Obligation.

Parent 1 GMI
\$ _____

.18 (for 1 Child)

.25 (for 2 Children)

.29 (for 3 Children)

.31 (for 4 Children)

Add .02 for each additional child

X

=

Parent 2 GMI
\$ _____

Parent 1's Monthly Child Support:
\$ _____ **OR** \$100 per child \$ _____
(write the higher amount and use in step 3)
Higher Amount: \$ _____

Parent 2's Monthly Child Support:
\$ _____ **OR** \$100 per child \$ _____
(write the higher amount and use in step 3)
Higher Amount: \$ _____

③ Subtract the lower earning parent's amount of child support in ② from the higher earning parent's amount.

Higher
\$ _____ - Lower
\$ _____ = Child Support Obligation
\$ _____ paid by Name of higher income parent:

④ Apply the Presumptive Maximum.

Usually, this is the maximum amount a parent may be required to pay per month per child (and can *reduce* – not increase – the amount that would be owed under step ③). This amount changes every year on July 1st and can be found by going to <http://nvcourts.gov> and searching the phrase “presumptive maximum.” Make sure you are using the most current chart.

Presumptive Maximum
Reduction to:
\$ _____
Or not applicable

⑤ Deviations. You may request an amount of child support that is lower or higher than the amount in ③ or ④, but your reason(s) must be based upon one of the following factors. (*check all that apply*)

- The cost of health insurance
- The cost of childcare
- Special educational needs
- Age of the child
- Parent's legal responsibility to support others
- The value of services contributed by either parent
- Public assistance paid to support the child
- Expenses reasonably related to the mother's pregnancy and confinement
- Cost of transportation for visitation if the custodial parent moved out of the jurisdiction
- The amount of time the child spends with each parent
- Any other necessary expenses for the benefit of the child
- The relative income of both parents

➤ Explain: _____

Total Child Support:
\$ _____

To Determine a Parent's Gross Monthly Income:

Gross monthly income is a parent's income from all sources before taxes. To find this number, calculate the following:

	Parent 1	Parent 2
*Monthly Wages from Employment (before taxes)	\$	\$
Monthly Tip Income	\$	\$
Monthly Self-Employment Income (after business expenses)	\$	\$
Monthly Unemployment Benefits	\$	\$
Social Security	\$	\$
Social Security Disability	\$	\$
Retirement / Pension	\$	\$
Other: _____	\$	\$
TOTAL INCOME	\$	\$

*To Determine a Parent's Employment Income:

If you do not know a parent's gross monthly income from employment, you can calculate the number if you know the 1) hourly wage, 2) weekly income, or 3) annual income.

Gross Monthly Income Based on Annual Income:

Annual Income \$ _____ ÷ 12 = \$ _____

Gross Monthly Income Based on Weekly Income:

Weekly Income \$ _____ x 52 = Annual Income \$ _____

Annual Income \$ _____ ÷ 12 = \$ _____

Gross Monthly Income Based on Hourly Wage:

Hourly Wage \$ _____ x # of Hours Worked per week _____ = Weekly Income \$ _____

Weekly Income \$ _____ x 52 = Annual Income \$ _____

Annual Income \$ _____ ÷ 12 = \$ _____