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

DISTRICT COURT
_____ COUNTY, NEVADA

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

ANSWER AND COUNTERCLAIM FOR DIVORCE AND UCCJEA DECLARATION
(With Children)

Defendant respectfully states:

1. Defendant admits the following allegations: (*write the paragraph numbers from the Complaint you <u>agree</u> with*) _____.

2. Defendant denies the following allegations: (*write the paragraph numbers from the Complaint you <u>disagree</u> with*) _____.

3. Defendant is without sufficient knowledge to admit or deny the following allegations: (*write the paragraph numbers you are <u>unsure</u> about*) _____.

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COUNTERCLAIM FOR DIVORCE

1. **Marriage.** The parties were married on (*marriage date*) _____ in (*city*) _____, (*state*) _____. The parties are incompatible.

2. **Residency.** Which spouse has been a resident of the State of Nevada for at least six weeks prior to filing this Complaint? ☐ Me / ☐ Plaintiff.

3. **Pregnancy.** Is either spouse pregnant? (☒ *check one*)

   ☐ No, neither spouse is pregnant.

   ☐ Yes, this 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 (*due date*): _____.

   ☐ I don't know whether either spouse is currently pregnant.

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

Child's Name	Date of Birth	Age

5. **UCCJEA Declaration.** Have the children lived in Nevada the last six months (or since birth if less than 6 months old)? (☒ *check all that apply*)

   ☐ Yes, the children have lived in Nevada for the past six months, or since birth.

   ☐ No, the children have NOT lived in Nevada for the past six months. *The court may not be able to enter custody orders.*

a. Children's Residences Last 5 Years.

If the children have always lived together or if there is only one child, complete the chart below.

If the children do not live together now or have not always lived together, complete a child residence appendix and attach to this form.

	Where the Children Live(d)	**Who the Children Live(d) With**	**Dates Children Live(d) There**
Examples →	*123 Main St, Sparks NV*	*Sue & Mark Jones*	*May 2021- Feb 2022*
Current:			_____ - present
Past Residence:			_____ - _____
Past Residence:			_____ - _____
Past Residence:			_____ - _____

If the children lived with a non-parent in the last 5 years, list the non-parent's name and current address: _____

_____

b. Participation in Other Cases. Have you ever participated in any case concerning these children as a party, witness, or in some other capacity? (☒ *check one*)

☐ No.

☐ Yes, I have participated in the following cases concerning these children (*provide all specifics including the state, the court name, children involved, the case number and the date of the child custody order, if any*): _____

_____

_____

c. Knowledge of Other Cases. Do you know of any other case that could affect this case, such as other custody cases, domestic violence cases, protection order cases, or adoptions/terminations? (☒ *check one*)

☐ No.

☐ Yes, the following cases that could affect this case (*give all specifics including the state, the court name, the parties involved, the case number and the type of case*):

_____

_____

d. Other Person(s) Who Claim Custody / Visitation. Does anyone other than yourself or other parties to this case have custody of the children or claim a right to custody or visitation with the children? (☒ *check one*)

☐ No.

☐ Yes, the following people have custody or can claim custody/visitation of the children: (*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 child, 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 child spends with each parent.* (☒ *check one*)

☐ **Joint Custody.** The parties should share joint physical custody of the children (*each parent would have the children roughly 40-60% of the time*). A proposed parenting timeshare and holiday schedule is attached as Exhibit 1.

☐ **Primary Custody.** 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.

Child Support:

The next two sections ask for information the judge will use to set or waive child support.

Fill out both sections, even if you think it does not apply or if you want to waive child support.

8. Parties' Incomes. *The court needs to know both parties' gross monthly incomes to make sure child support is set correctly.*

Gross monthly income includes money received from work, social security, unemployment, pension/retirement, interest/investments, veteran's benefits, military allowances, etc.

It does not include SSI, SNAP, TANF, cash benefits from the county, or child support received.

My gross monthly income is (*insert amount*): $_____ / OR ☐ unknown.

The other parent's gross monthly income is (*insert amount*): $_____ / OR ☐ unknown.

9. Child Support.

If child support was already set by the Child Support Enforcement Office and you want to keep that amount in place, *check the 1st box below and enter the details.*

If you want to set child support or change the amount, *use the attached worksheet or the Nevada Child Support Online Calculator to estimate child support. Attach one of the worksheets to this form, check the 2nd box below, and enter your proposal.*

If you want to waive child support or do not have enough information to estimate child support, *check the 3rd or 4th box below.*

(☒ *check one*)

☐ Child support was already set by the District Attorney/Child Support Enforcement, case (*insert case number*) _____ and should stay in place, with (*name of parent who pays child support*) _____ paying $_____ per month in child support.

☐ Child support should be set according to the worksheet attached with (*name of parent who should pay child support*) _____ paying $_____ per month.

☐ 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.

Any child support ordered will be due the 1st of the month beginning the month after the divorce is finalized and notice of entry of decree is filed. Payments may be made directly between the parties, or either party may open a child support collection case with the local Child Support Enforcement Office.

10. Public Assistance. Has either party ever received public assistance? (☒ *check one*)

- ☐ No, the parties in this case have never received public assistance.
- ☐ Yes, one or more parties now receives or has received public assistance in the past. The court cannot waive any back child support owed to the state without notifying the state first.

11. Back Child Support / Arrears. *A maximum of four years' worth of back child support ("arrears") may be requested. The court may award some, none or all that is requested.*

Should back child support ("arrears") be ordered? (☒ *check one*)

- ☐ No, 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.
- ☐ Yes, back child support should be paid by (*name of parent who should <u>pay</u> back child support*) _____ from (*date back child support should begin*) _____ to present for a total amount of (*enter total amount of back support to be awarded*) $_____.

12. Child Care. *Any child care expenses can be paid by one or both parents.*

Are there child care expenses? (☒ *check one*)

- ☐ No, there are no child care costs for either parent.
- ☐ Yes, the monthly child care costs for the child(ren) are: $_____. This amount should be paid by ☐ me only ☐ the other parent only ☐ both parents equally.

13. Medical Coverage. *Medical support (medical, vision, and/or dental) must be provided for the child(ren).*

How will the children get medical support/insurance? (☒ *check one*)

☐ Medicaid.

☐ Private / Employer Insurance. The monthly premium should be paid by ☐ me only ☐ the other parent only ☐ both parents equally.

☐ Other: _____

Both parents will equally share the cost of any uncovered medical/dental/vision expenses for the children, including copays, deductibles, and uncovered expenses. If either parent incurs a medical expense on behalf of the children, they will provide the other parent with a copy of the bill and proof of any payment within 30 days of receiving it. The other parent will have 30 days to reimburse the paying parent ½ the cost or set up payment arrangements with the medical provider.

14. Tax Deduction. *IRS rules state that the custodial parent usually has the right to claim the child on their taxes. The custodial parent can waive this right by filling out IRS Form 8332. Talk to a tax professional if you are not sure what to do.* (☒ *check all that apply*)

☐ Plaintiff should claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☐ Defendant should claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☐ The tax deduction should alternate, with Plaintiff claiming the child(ren) in (☒ *check one*) ☐ even / ☐ odd years, and Defendant claiming the child(ren) the other years.

☐ The tax deduction should be allocated per federal law.

15. Community Property.

> **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.

Is there any community property to divide? (☒ *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. _____
6. _____

Defendant:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Attach additional sheets if more property needs to be listed.

16. Community Debt.

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.

Is there any community debt to divide? (☒ *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. _____
6. _____

Defendant:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

Attach additional sheets if more debts need to be listed.

17. Spousal Support/Alimony. Should either spouse pay alimony? ☒ *check one*)

- ☐ No, no spousal support is requested.
- ☐ Yes, Plaintiff should pay me $_____ per month in spousal support for the next (*number*) _____ years.
- ☐ Yes, I (Defendant) should pay $_____ per month in spousal support to Plaintiff for the next (*number*) _____ years.

Any spousal support ordered will be due the 1st of the month beginning the month after the divorce is finalized and notice of entry of decree is filed.

18. Name Change. *You can request to go back to your former name if you wish. Plaintiff will get to decide if he/she wants to go back to a former name.* (☒ *check one*)

- ☐ Defendant does not request a name change.
- ☐ Defendant would like to be restored to his/her former name of (*insert former name you would like to go back to*) _____.

Defendant requests:

1. That the marriage existing between Plaintiff and Defendant be dissolved and that Defendant be granted an absolute Decree of 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 (*month*) _____ (*day*) _____, 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 (*month*) _____ (*day*) _____, 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*)

Regular Weekly Schedule During School Year: ***<u>Be very specific</u>. Include the times and days of the week for each parent's timeshare.*** *(ex.: <u>Mom</u>: Saturday 7pm – Wednesday 3pm, <u>Dad</u>: Wednesday 3pm – Saturday 7pm)*	_____ _____ _____ _____ _____ _____ _____
Summer Schedule:	☐ Same as the regular schedule. ☐ Other: _____
Mother's Day:	☐ Mother every year from 9am – 7pm. ☐ Other: _____
Father's Day:	☐ Father every year from 9am – 7pm. ☐ Other: _____
Children's Birthday:	☐ *<u>Even years</u>* with (*parent*) _____ *<u>Odd years</u>* with (*parent*) _____ *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☐ 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. ☐ Other: _____
Fourth of July:	☐ Even years with (*parent*) _____ Odd years with the other parent. *Time shall begin July 4, at 10 a.m. and end on July 5, at 10 a.m.* ☐ Other:_____

Easter / Spring Break:	☐ Even years with (*parent*) _____ Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other: _____
Thanksgiving:	☐ Odd years with (*parent*) _____. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other: _____
Winter Break / Christmas:	☐ 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. *Even years*: Segment 1 with (*parent*) _____, Segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) _____, segment 2 with the other parent. ☐ Other: _____
Other Holidays:	_____ _____ _____ _____
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the children. ☐ Each parent may have up to (*number*) _____ 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 (*number*) _____ 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**.

Child Support Worksheet

① The Other Parent's Information

How much money does the other parent make every month? (Estimate if you do not know. A GMI worksheet is attached if you need help.)

Figure out the other parent's gross monthly income. This includes money received from employment, social security, unemployment, pension/retirement, interest/investments, etc.
It does not include SSI, SNAP, TANF, cash benefits from the county, or child support received.

I believe the other parent makes $_____ per month (this is "Gross Monthly Income")

**If this number is more than $6000, STOP. This worksheet will not apply.*

Visit nvchildsupportguidelinescalculator.azurewebsites.net/getobligation.aspx to find the appropriate amount.

Determine what the other parent's child support obligation would be:

Gross Monthly Income (from above) $ _____ **X**

.16 (for 1 child)
.22 (for 2 children)
.26 (for 3 children)
.28 (for 4 children)
Add .02 for each additional child

=

Regular Child Support: $ _____

Does this parent earn less than $1995 per month?

☐ No. (skip to ②)
☐ Yes. The court may use the low-income child support schedule instead. (check the attached chart to find the right number to enter. Use this number in steps ③④ & ⑤)

Low Income Child Support: $ _____

② Your Information (complete this section even if you expect the other parent to pay child support)

How much money do you make every month? (A GMI worksheet is attached if you need help.)

Include money you get from employment, social security, unemployment, pension/retirement, interest / investments, etc. Do not include SSI, SNAP, TANF, cash benefits from the county, or child support received.

I make $_____ per month (this is "Gross Monthly Income")

**If this number is more than $6000, STOP. This worksheet will not apply.*

Visit nvchildsupportguidelinescalculator.azurewebsites.net/getobligation.aspx to find the appropriate amount.

Determine what your child support obligation would be:

Gross Monthly Income (from above) $ _____ **X**

.16 (for 1 child)
.22 (for 2 children)
.26 (for 3 children)
.28 (for 4 children)
Add .02 for each additional child

=

Regular Child Support: $ _____

Do you earn less than $1995 per month?

☐ No. (skip to ③)
☐ Yes. The court may use the low-income child support schedule instead. (check the attached chart to find the right number to enter. Use this number in steps ③④ & ⑤)

Low Income Child Support: $ _____

③ Joint Custody. Only fill out this section if you are asking for Joint Physical Custody.

Skip to ④ if you are asking for primary custody or visitation only.

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

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

④ Adjustments.

- If you want primary physical custody, the court uses the number in ① as the standard amount of child support the other parent would pay.
- If you want the other parent to have primary physical custody, the court uses the number in ② as the standard amount of child support you would pay.
- If you want both parents to have joint physical custody, the court uses the number in ③ as the standard amount of child support.

You can ask for more or less child support than the amount in ① ② or ③ if you think any of the following factors apply. (☒ *check all that apply, or skip to ⑤ if none if these reasons apply*)

- ☐ Special educational needs
- ☐ A parent's legal responsibility to support others
- ☐ The value of services contributed by either parent
- ☐ Public assistance paid to support the child
- ☐ Cost of transportation to and from visitation
- ☐ The relative income of both households
- ☐ Any other necessary expenses for the benefit of the child
- ☐ The obligor's ability to pay

➧ Explain: _____

_____

_____

_____

⑤ Final Child Support Amount Requested:

$ _____ paid by (*name*) _____

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TO DETERMINE A PARENT'S GROSS MONTHLY INCOME ("GMI") FROM EMPLOYMENT

Annual Income	$
÷ by 12 months = **GMI**	$

Biweekly Income	$
X 26 pay periods per year	
÷ by 12 months = **GMI**	$

Weekly Income	$
X 52 pay periods per year	
÷ by 12 months = **GMI**	$

Hourly Wage	$
# of hours worked per week	
Subtotal = hourly wage X # of hours per week	$
X 52 pay periods per year	
÷ by 12 months = **GMI**	$

LOW INCOME CHILD SUPPORT SCHEDULE

	One Child		Two Children		Three Children		Four Children		Five Children	
Monthly Income Up To	Percent	**Child Support Amount**	Percent	**Child Support Amount**	Percent	**Child Support Amount**	Percent	**Child Support Amount**	Percent	**Child Support Amount**
$998	10.56%	$105	14.52%	$145	17.16%	$171	18.48%	$184	19.80%	$198
$1,033	10.75%	$111	14.79%	$153	17.48%	$181	18.82%	$194	20.16%	$208
$1,069	10.95%	$117	15.05%	$161	17.79%	$190	19.16%	$205	20.53%	$219
$1,104	11.14%	$123	15.32%	$169	18.11%	$200	19.50%	$215	20.89%	$231
$1,140	11.34%	$129	15.59%	$178	18.42%	$210	19.84%	$226	21.26%	$242
$1,176	11.53%	$136	15.86%	$187	18.74%	$220	20.18%	$237	21.62%	$254
$1,211	11.73%	$142	16.12%	$195	19.05%	$231	20.52%	$248	21.99%	$266
$1,247	11.92%	$149	16.39%	$204	19.37%	$242	20.86%	$260	22.35%	$279
$1,283	12.11%	$155	16.66%	$214	19.69%	$253	21.20%	$272	22.71%	$291
$1,318	12.31%	$162	16.92%	$223	20.00%	$264	21.54%	$284	23.08%	$304
$1,354	12.50%	$169	17.19%	$233	20.32%	$275	21.88%	$296	23.44%	$317
$1,389	12.70%	$176	17.46%	$243	20.63%	$287	22.22%	$309	23.81%	$331
$1,425	12.89%	$184	17.73%	$253	20.95%	$299	22.56%	$321	24.17%	$344
$1,461	13.09%	$191	17.99%	$263	21.26%	$311	22.90%	$335	24.54%	$359
$1,496	13.28%	$199	18.26%	$273	21.58%	$323	23.24%	$348	24.90%	$373
$1,532	13.47%	$206	18.53%	$284	21.90%	$336	23.58%	$361	25.26%	$387
$1,568	13.67%	$214	18.79%	$295	22.21%	$348	23.92%	$375	25.63%	$402
$1,603	13.86%	$222	19.06%	$306	22.53%	$361	24.26%	$389	25.99%	$417
$1,639	14.06%	$230	19.33%	$317	22.84%	$374	24.60%	$403	26.36%	$432
$1,674	14.25%	$239	19.60%	$328	23.16%	$388	24.94%	$417	26.72%	$447
$1,710	14.45%	$247	19.86%	$340	23.47%	$401	25.28%	$432	27.09%	$463
$1,746	14.64%	$256	20.13%	$351	23.79%	$415	25.62%	$447	27.45%	$479
$1,781	14.83%	$264	20.40%	$363	24.11%	$429	25.96%	$462	27.81%	$495
$1,817	15.03%	$273	20.66%	$375	24.42%	$444	26.30%	$478	28.18%	$512
$1,853	15.22%	$282	20.93%	$388	24.74%	$458	26.64%	$494	28.54%	$529
$1,888	15.42%	$291	21.20%	$400	25.05%	$473	26.98%	$509	28.91%	$546
$1,924	15.61%	$300	21.47%	$413	25.37%	$488	27.32%	$526	29.27%	$563
$1,959	15.81%	$310	21.73%	$426	25.68%	$503	27.66%	$542	29.64%	$581
$1,995	16.00%	$319	22.00%	$439	26.00%	$519	28.00%	$559	30.00%	$599