ANS

(Your Name) _____

(Address)_____

_____

(Telephone) _____

(Email Address)_____

Self-Represented Defendant

DISTRICT COURT

CLARK COUNTY, NEVADA

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

ANSWER AND COUNTERCLAIM TO COMPLAINT TO ESTABLISH/CONFIRM PATERNITY, CUSTODY, VISITATION, AND CHILD SUPPORT

COMES NOW, Defendant, *(your name)*, _____, in Proper Person and hereby Answers Plaintiff's Complaint to Establish/Confirm Paternity, Custody, Visitation, and Child Support as follows:

1. Defendant admits the allegations contained in Paragraph(s) *(write the paragraph number(s) from the Complaint that you agree with)* _____

   _____

   _____

   of the Complaint.

2. Defendant denies the allegations contained in paragraph(s) *(write the paragraph number(s) form the Complaint that you do not agree with)*_____

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_____

_____

of the Complaint.

3. After reasonable investigation, I am without sufficient information to form a belief as to the truth or falsity of the matters alleged in paragraph(s) *(write the paragraph number(s) that you do not know to be true or false because you do not have enough information)*

_____

_____

of the Complaint; the allegations are therefore denied with proof demanded at trial.

COUNTERCLAIM

Defendant, as and for a Counterclaim to Establish/Confirm Paternity, Custody, Visitation, and Child Support against Plaintiff, alleges as follows:

1. That the Plaintiff and/or Defendant, for a period of more than six weeks immediately preceding the filing of this action, has been and now is an actual, bona fide resident of the State of Nevada, County of Clark, and has been actually physically present and domiciled in Nevada for more than six (6) weeks prior to the filing of this action.

2. That the Defendant is a resident of the State of _____.

3. That the Plaintiff and Defendant *(☑ check one)* ☐ have/☐ have not been married.

4. **Paternity.**
   a. Defendant believes that *(☑ check one)* ☐ Plaintiff/☐ Defendant **is the father** of the children listed in Paragraph 5 because: *(☑ check all that apply)*
      ☐ The Plaintiff and Defendant filed an Affidavit of Paternity with the Office of Vital Statistics more than six (6) months before the filing of this case and it has not been revoked.
      ☐ The alleged father is named on the minor children's birth certificate.

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☐ Plaintiff and Defendant lived together at least six (6) months before the children were born and continued to live together after the child was born.

☐ The children were born within 285 days after the Plaintiff and Defendant were divorced or separated.

☐ The alleged father has acted and presented himself to be the children's father.

☐ Genetic tests were completed to determine the biological father of the children, a copy of which are attached.

☐ Paternity was established by a court order filed with *(name of court)* _____ _____ case number _____ on *(date)* _____.

☐ Other:_____

_____

b. Defendant believes that *(☑ check one)* ☐ Plaintiff/☐ Defendant **is NOT the father** of the children listed in Paragraph 5 because: *(☑ check all that apply)*

☐ The mother of the children listed in Paragraph 5 was married to another man at the time the children were born.

☐ The name of another man is on the children's birth certificates.

☐ Genetic tests were completed to determine the biological father of the children, a copy of which are attached.

☐ Paternity was established by a court order filed with *(name of court)* _____ _____ case number _____ on *(date)* _____.

☐ Other:_____

_____

_____.

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5. **Child Information.** The minor child(ren)'s name(s), date(s) of birth, state(s) and length(s) of residence is/are as follows:

Child's Name:	Child's Date of Birth:	Length of time child has lived in the state:	State of Residence:

6. **Children's Residency.** ***(☑ check one)***

☐ The children are residents of Nevada and have lived here for at least the past six months and, as such, this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody.

☐ The children are NOT residents of Nevada and have not lived her for at least the past six months and, as such, this Court does NOT have the necessary UCCJEA jurisdiction to enter orders regarding custody.

7. **Legal Custody.** Legal Custody involves having basic legal responsibility for a child and making major decisions about the child like the child's health, education and religious upbringing. ***(☑ check one)***

☐ The child(ren) is/are not residents of Nevada.

☐ That Plaintiff and Defendant should be granted joint legal custody of the minor child(ren).

☐ That the Plaintiff should be granted sole legal custody of the minor child(ren)

☐ That the Defendant should be granted sole legal custody of the minor child(ren).

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8. **Physical Custody.** Physical custody refers to the time the child spends in the care of each parent. ***(☑check one)***

> Joint physical custody exists when each parent has physical custody of the child(ren) at least 40% (146 days) of the time calculated over a one year period.
>
> Primary Physical custody exists when one parent has physical custody of the child(ren) more than 60% (219 days) of the time calculated over a one year period.

☐ The children are not residents of Nevada.

☐ The Plaintiff and Defendant should be granted joint physical custody of the minor children with a timeshare as outlined in Exhibit 1.

☐ The Plaintiff should be awarded primary physical custody of the minor children with the Defendant having visitation as outlined in Exhibit 1.

☐ The Defendant should be awarded primary physical custody of the minor children with the Plaintiff having visitation as outlined in Exhibit 1.

9. **Holiday Visitation.** ***(☑check one)***

☐ The child(ren) is/are not residents of Nevada.

☐ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should take precedence when in conflict with the regular visitation schedule.

☐ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should NOT take precedence when in conflict with the regular visitation schedule.

10. **Health Insurance.** ***(☑check one)***

☐ Mom should maintain medical and dental insurance for the minor child(ren) if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties. Mom shall have thirty (30) days to provide Dad with proof of the uncovered health insurance costs or expenses and Dad shall have thirty (30) days from the date of receipt to reimburse Mom.

☐ Dad should maintain medical and dental insurance for the minor child(ren) if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties. Dad shall have thirty (30) days to provide Mom with proof of

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the uncovered health insurance costs or expenses and Mom shall have thirty (30) days from the date of receipt to reimburse Dad.

☐ Both Mom and Dad should maintain medical and dental insurance for the minor child(ren) if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.

11. **Unreimbursed Medical Expenses.** ***(☑ check one)***

30/30 Rule: Any parent incurring an out-of-pocket medical expense relating to the minor child will provide to the other parent a copy of all paperwork relating to that expense within thirty (30) days of incurring said expense, along with a request for contribution for one-half (½) of the out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-half (½) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the other parent will reimburse the requesting parent in the amount requested within thirty (30) days of receipt of said request for contribution. Upon receipt of reimbursement from any insurance carrier by either parent, and if the other parent previously paid a portion of the payment resulting in that reimbursement, the parent receiving the reimbursement shall equally divide said reimbursement with the other parent within seven (7) days of receipt of same. Both parents have the authority to contact the insurance provider directly in order to determine the status of any individual claim.

☐ The Defendant asks the court to adopt the 30/30 Rule.

☐ The Defendant asks the court to NOT adopt the 30/30 Rule.

12. **Court Order(s).** ***(☑ check one)***

☐ Child Support has not been set by a court.

☐ Child support has been set by a court order in the *(name of court)* _____ _____, case number _____, filed on *(date)* _____. Under this order *(name of parent)*_____ is order to pay _____ dollars per month for the support of the parties' minor child(ren).

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13. **Child Support.** *Complete the Child Support Worksheet that applies to your custody arrangement (Worksheet A or Worksheet B) BEFORE you answer this question.*
Based upon the proposed physical custody arrangement, *(☑ check one)* ☐Plaintiff/☐Defendant should pay $_____ dollars per month for support of the parties minor children.

14. **Child Support Calculation.** The amount of child support requested was calculated based upon the following: ***(☑ check one)***
    - ☐ The statutory minimum of $100 per month, per child.
    - ☐ The calculation for a primary physical custody arrangement as shown on the attached Worksheet A.
    - ☐ The calculation for a joint physical custody arrangement as shown on the attached Worksheet B.
    - ☐ Other:_____
    _____

15. **Wage Withholding Order.** ***(☑ check one)***
    - ☐ The Defendant asks that the court order a wage withholding against the obligor parent (parent who owes child/spousal support) to secure payment of child support and spousal support, if any.
    - ☐ Good cause exists to postpone the withholding of income from the obligor parent to pay child support and spousal support, if any.

16. **Child Support Arrears**. ***(☑ check one)***
    - ☐ The Defendant is not asking for back child support and waives his/her right to child support arrears.
    - ☐ The Defendant is the noncustodial parent and is not entitled to back child support.
    - ☐ The Defendant asks the court to <u>award the Plaintiff</u> back child support from (*date)* _____ to *(date)* _____ *(max. 4 years)* and certifies that during that time period, the Defendant gave the Plaintiff a total of $_____ for child support.

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☐ The Defendant asks the court to award the Defendant back child support from (*date*) _____ to *(date)* _____ *(max. 4 years)* and certifies that during that time period, the Plaintiff gave the Defendant a total of $_____ for child support.

WHEREFORE, Defendant prays for a Judgment as follows:

1. That, if necessary, this Court enter an order establishing the alleged father's paternity of the children listed in Paragraph 5 of this Counterclaim;
2. That this Court enter an order establishing custody, visitation, and child support as stated in this Counterclaim;
3. That this Court enter an order regarding medical and dental insurance coverage and the payment of unreimbursed medical expenses for the minor children as stated in this Counterclaim; and
4. 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)

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VERIFICATION

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

(Your name) _____, under penalties of perjury, being first duly sworn, deposes and says:

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

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

Submitted By:

▸ _____
(your signature)

_____
(print your name)

SUBSCRIBED and SWORN to before me
this _____ day of _____, 20____.

_____
NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF NEVADA)
)ss:
COUNTY OF CLARK)

On this *(day)* _____ day of *(month)* _____, 20___, before me, the undersigned Notary Public in and for the said County and State, personally appeared *(your name)* _____, known to me to be the person described in and who executed the foregoing Answer and Counterclaim, if requested, and who acknowledged to me that he/she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

_____
NOTARY PUBLIC

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EXHIBIT 1

Week	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
Sample	Mom Pick up at 11 a.m.	Mom	Dad Pick up after school at 3 p.m.	Dad	Dad	Mom Pick up after school at 3 p.m.	Mom
Week #1							
Week #2							
Week #3							
Week #4							

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EXHIBIT 2

Check box if this holiday applies:	Holiday:	Time (circle a.m. or p.m.):	Every Year	Even Years	Odd Years
☐	New Year's Eve	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	New Year's Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Martin Luther King, Jr. Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Presidents' Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Passover	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Easter	From: _____a.m./p.m. To: _____a.m./p.m	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Memorial Day	From: _____a.m./p.m. To: _____a.m./p.m	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Mother's Day	From: _____a.m./p.m. To: _____a.m./p.m	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Father's Day	From: _____a.m./p.m. To: _____a.m./p.m	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	4th of July	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Labor Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Rosh Hashanah	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Yom Kippur	From: _____a.m./p.m. To: _____a.m./p.m	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Nevada Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Halloween	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Veterans Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Thanksgiving Day	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad

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Holiday Visitation Schedule Continued…

☐	Chanukkah (Days): _____	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Chanukkah (Days): _____	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Christmas Eve	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Christmas	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Father's Birthday	From: _____a.m./p.m. To: _____a.m./p.m	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Mother's Birthday	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐	Child's Birthday	From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐		From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad
☐		From: _____a.m./p.m. To: _____a.m./p.m.	☐ Mom ☐ Dad	☐ Mom ☐ Dad	☐ Mom ☐ Dad

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EXHIBIT 3

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