**ANSCC**

ATTORNEY INFORMATION

Attorneys for Defendant

*In Conjunction with Legal Aid Center of Southern Nevada Pro Bono Project*

DISTRICT COURT

CLARK COUNTY, NEVADA

PLAINTIFF NAME, )

 )

 Plaintiff, ) Case No.: CASE NO. )

vs. ) Dept. No.: DEPT. NO.

 )

DEFENDANT NAME, )

 )

 Defendant. )

 )

**ANSWER AND COUNTERCLAIM**

 The Defendant, DEFENDANT NAME, by and through HIS OR HER attorney, ATTORNEY NAME AND FIRM, herein files her Answer and Counterclaim to Plaintiff’s Complaint for Custody as follows:

**ANSWER**

 1. Defendant admits the allegations contained in paragraphs PARAGRAPH NUMBERS of the Complaint. As to paragraph PARAGRAPH NUMBER of the Complaint, Defendant admits only that Plaintiff should ADMISSION.

 2. Defendant denies the allegations contained in paragraphs PARAGRAPH NUMBERS of the Complaint.

 3. Paragraphs PARAGRAPH NUMBERS do not require an answer or response from Defendant.

 4. Defendant denies each and every other allegation in Plaintiff’s Complaint not otherwise responded to herein, including those allegations contained in the WHEREFORE CLAUSE not otherwise responded to as part of the Complaint.

**COUNTERCLAIM**

 Having fully responded to Plaintiff Complaint, Defendant, as and for a Counterclaim against Plaintiff alleges as follows:

1. That 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 weeks prior to the filing of this action.

2. That Plaintiff is a resident of the State of Nevada.

3. That the parties have NUMBER minor child, the issue of this relationship, to wit: CHILD NAME, born CHILD BIRTHDATE.

The habitual state of residence of the child has been the State of Nevada.

4. That the parties have never been married.

5. That Paternity of the minor child, to wit: CHILD NAME, born CHILD BIRTHDATE, is not at issue. Defendant believes that Plaintiff is the father of the child and he is listed on the child’s birth certificate and because an Affidavit of Paternity was filed with the Office of Vital Statistics more than six months immediately preceding the filing of this action. The Affidavit of Paternity was not revoked within six months from the date it was filed.

6. That no court has ever issued an order regarding the custody or visitation of the minor child. However, there are temporary orders in place issued by this Court.

7. The parties are fit and proper persons to be awarded TYPE OF LEGAL CUSTODY of the minor child to wit: CHILD NAME, born CHILD BIRTHDATE.

8. Defendant is a fit and proper person to be awarded TYPE OF PHYSICAL CUSTODY of the minor child, to wit: CHILD NAME, born CHILD BIRTHDATE.

9. Plaintiff should have visitation with the child as follows: VISITATION

10. That pursuant to EDCR 5.07, Plaintiff and Defendant shall each successfully complete the Transparenting Class within 45 days of service of the initial complaint or petition upon Defendant, and that no action shall proceed to final hearing until a notice of completion of the class has been filed with the court, provided that noncompliance by a parent who does not enter an appearance shall not delay a final hearing.

11. That Plaintiff should pay child support in the amount of $DOLLAR AMOUNT. This amount is 18% of his gross monthly income and is in compliance with NRS 125B.070.

**OR** That Plaintiff pay child support of $100.00 per month per child for a monthly total of $\_\_\_\_\_\_\_\_\_ as the statutory minimum and in compliance with NRS 125B.070.

 12. Pursuant to NRS 125.510, this amount should continue until the minor child reaches 18 years of age if no longer in high school, or if the child is still enrolled in high school, when the child reaches 19, years of age, or becomes emancipated or otherwise self supporting.

 13. That Defendant believes that there should be a wage assignment for child support pursuant to NRS 31A.250 and NRS 125.450, to attach any sums that may be earned by Defendant to satisfy Defendant’s child support obligations.

 14. That Plaintiff pay child support from CHILD BIRTHDATE, the date of the minor child’s birth, through the present and continuing, pursuant to NRS 125B.050 and that this amount be reduced to judgment.

**OR**

14. That Plaintiff pay child support from SEPERATION DATE, the date the parties’ separated through the present and continuing, pursuant to NRS 125B.050 and that this amount be reduced to judgment. To date, Plaintiff’s child support arrears are $DOLLAR AMOUNT through the end of MONTH, YEAR, with credit given to Plaintiff for $DOLLAR AMOUNT previously paid to Defendant.

15. That both Plaintiff and Defendant should maintain medical and dental insurance for the minor children, if available. Any unreimbursed medical, dental, optical, orthodontic or other health related expenses incurred for the benefit of the minor children is to be divided equally between the parties. Either party incurring an out-of-pocket expense shall provide a copy of the invoice/receipt to the other party within thirty (30) days of incurring such expense. If the paid invoice/receipt is not tendered within the thirty (30) day period, the Court may consider it as a waiver of reimbursement by the incurring party. The other party will then have thirty (30) days within which to dispute the expenses or reimburse the incurring party for one-half of the out-of-pocket expenses. If not disputed or paid within the thirty (30) day period, the party may be subject to a finding of contempt and appropriate sanctions.

**OR**

That PLAINTIFF AND/OR DEFENDANT should maintain medical and dental insurance for the minor children, if available at a reasonable cost. Any unreimbursed medical, dental, optical, orthodontic or other health related expenses incurred for the benefit of the minor children is to be divided equally between the parties. *(this version does not include the 30/30 rule, but still make the parties equally responsible for unreimbursed health expenses; it’s a personal preference if your client wants a time limit to submit and receive reimbursement)*

WHEREFORE, Defendant prays for a judgment as follows:

1. That the Court enters an order awarding custody and visitation as requested in this Counterclaim.

2. That the Court enters an order awarding child support as stated in this Counterclaim.

3. That the Court enters an order regarding medical and dental insurance coverage and the payment of unreimbursed medical expenses for the minor children as stated in the Counterclaim.

4. For such other and further relief as the Court finds to be just and proper.

DATED this DATE day of MONTH, YEAR.

 By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ATTORNEY INFORMATION

 Attorneys for Defendant

 *In Conjunction with Legal Aid Center of Southern Nevada Pro Bono Project*

 **VERIFICATION**

**STATE OF NEVADA )**

 **) ss:**

**COUNTY OF CLARK** )

DEFENDANT 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 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 DATE day of MONTH, YEAR.

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 DEFENDANT NAME

**SUBSCRIBED** and **SWORN** to before me

this DATE day of MONTH, YEAR

by NOTARY NAME.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC

**ACKNOWLEDGMENT**

**STATE OF NEVADA )**

 **)ss:**

**COUNTY OF CLARK )**

 On this DATE day of MONTH , YEAR before me, the undersigned Notary Public in and for the said County and State, personally appeared DEFENDANT NAME, known to me to be the person described in and who executed the foregoing ANSWER AND COUNTERCLAIM, and who acknowledged to me that she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

NOTARY PUBLIC