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ATTORNEY INFORMATION

Attorneys for Plaintiff

*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. )

)

**COMPLAINT TO ESTABLISH PATERNITY, CUSTODY, VISITATION AND CHILD SUPPORT**

*(note: if client is requesting that paternity be established, and it appears in the title, the case will be sealed. If client doesn’t wish to establish paternity, only confirm it, then take “Paternity” out of the title.)*

COMES NOW Plaintiff, PLAINTIFF NAME, by and through her attorney, ATTORNEY NAME AND FIRM as and for a Complaint to Establish PATERNITY, CUSTODY, VISITATION AND CHILD SUPPORT against Defendant, and alleges as follows:

1. That Plaintiff, 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 Defendant is a resident of the State of Nevada.

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

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

4. That the parties have never been married.

5. That Paternity of the minor children, to wit: CHILD NAME, born CHILD BIRTHDATE is not at issue. Paternity has been established by HOW PATERNITY WAS ESABLISHED.

**OR**

That Paternity of the minor children, to wit: CHILD NAME, born CHILD BIRTHDATE; CHILD NAME, born CHILD BIRTHDATE; and CHILD NAME, born CHILD BIRTHDATE, is not at issue. Plaintiff believes that Defendant is the father of the children and he is listed on each child’s birth certificate and because an Affidavit of Paternity was filed with the Office of Vital Statistics more than six (6) months immediately preceding the filing of this action. The Affidavit of Paternity was not revoked within six (6) months from the date it was filed.

6. That no court has ever issued an order regarding the custody or visitation of the minor children.

7. That the Plaintiff is a fit and proper person to be awarded SOLE LEGAL CUSTODY of the minor children, to wit: CHILD NAME, born CHILD BIRTHDATE. **OR** The parties are fit and proper persons to be awarded JOINT LEGAL CUSTODY of the minor children, to wit: CHILD NAME, born CHILD BIRTHDATE. Due to Defendant’s history of domestic violence against Plaintiff and pursuant to NRS 125.480, it is not in the best interests of the children to award Defendant either joint or sole legal custody.

8. Plaintiff is a fit and proper person to be awarded PRIMARY OR SOLE PHYSICAL CUSTODY of the minor children, to wit: CHILD NAME, born CHILD BIRTHDATE. Due to Defendant’s history of domestic violence against Plaintiff and pursuant to NRS 125.480, it is not in the best interests of the children to award Defendant either joint or primary physical custody. **OR** Defendant has physically abused the Plaintiff and the minor children and has shown no interest for the welfare of the children. Therefore, it is not in the best interest of the children that he be given joint or sole physical custody.

**OR**

That the parties should be awarded JOINT PHYSICAL CUSTODY of the minor children, to wit: CHILD NAME, born CHILD BIRTHDATE

9. Defendant’s visitation, including holiday visitation should be as follows: (example; every 1st and 3rd weekend from Friday at 5:00 p.m. to Sunday at 6:00 p.m.) **OR** VISITATION SCHEDULE

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 Defendant should pay child support in the amount of DOLLAR AMOUNT per month. This amount is PERCENTAGE % of his gross monthly income and is in compliance with NRS 125B.070. **OR** This amount is $100.00 per month per child as the statutory minimum, for a monthly total amount of $\_\_\_\_\_\_\_\_ and is in compliance with NRS 125B.070. Defendant is employed and believed to be earning GROSS MONTHLY INCOME per month. **OR** Plaintiff reserves the right to amend the amount of child support in the event Defendant should become employed.

**OR**

11. That pursuant to NRS 125B.070, NRS 125B.080 and *Wright v. Osburn*, 114 Nev.1367, 970 P.2d 1071 (1998) and because both parties earn relatively equal amounts, neither should pay child support to the other.

**OR**

11. That Plaintiff has initiated a child support case with the Office of the District Attorney, Family Support Division, CASE NUMBER against Defendant. Pursuant to an order entered on DATE, Defendant’s child support obligation is DOLLAR AMOUNT per month for the NUMBER OF CHILDREN minor children. In addition, there is a total amount for child support arrearages in the amount of DOLLAR AMOUNT. Defendant has been ordered to pay an additional DOLLAR AMOUNT until such arrears are satisfied.

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

**OR**

14. That Defendant pay child support from DATE, based on the four year statutory period pursuant to NRS 125B.030 and 125B.040, through the present and continuing, pursuant to NRS 125B.050 and that this amount be reduced to judgment. As of end of MONTH AND YEAR, Defendant’s child support arrears are DOLLAR AMOUNT.

15. 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. 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, Plaintiff prays for a judgment as follows:

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

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

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 Complaint.

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 Plaintiff

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

**STATE OF NEVADA )**

**) ss:**

**COUNTY OF CLARK** )

PLAINTIFF NAME, under penalties of perjury, being first duly sworn, deposes and says: That I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint to ESTABLISH PATERNITY, CUSTODY, VISITATION AND CHILD SUPPORT 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:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PLAINTIFF 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 PLAINTIFF NAME, known to me to be the person described in and who executed the foregoing COMPLAINT TO ESTABLISH PATERNITY, CUSTODY, VISITATION AND CHILD SUPPORT, 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.

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NOTARY PUBLIC