**ACDAS**

**ATTORNEY INFORMATION**

Nevada Bar No.:

**FIRM/LEGAL AID/OTHER**

ADDRESS

CITY, ZIP CODE

PHONE NUMBER

EMAIL

Attorney(s) for Defendant

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

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

NAME, )

 )

 Plaintiff, ) Case No.:

 )

vs. ) Dept. No:

 )

NAME, )

 )

 Defendant. )

 )

**ANSWER AND COUNTERCLAIM FOR DIVORCE (With Children)**

 COMES NOW, Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, by and through his/her attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq. of (*law firm, legal aid center, etc*.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and hereby files her Answer and Counterclaim to Plaintiff’s Complaint for Divorce as follows:

**ANSWER**

1. Defendant admits the following allegations: (*write the paragraph numbers from the Complaint that 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*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
4. Defendant denies every other allegation not responded to herein.

**COUNTERCLAIM**

 Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, as and for a Counterclaim for Divorce against Plaintiff, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, alleges as follows:

1. That Defendant, for a period of more than six (6) weeks immediately preceding 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.

1. That Plaintiff and Defendant were married on the \_\_\_ day of (*month*) \_\_\_\_, 20\_\_ in

(*city*) \_\_\_\_\_\_­­­­\_\_\_\_\_, (*state*) \_\_\_\_\_\_\_\_\_\_ and have been and still are husband and wife.

1. That there are (*number*) \_\_\_\_\_\_ minor children who are the issue of this marriage and

Defendant is/is not currently pregnant. (If applicable) The name and date of birth of the minor child(ren) are, to wit: (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born (*date*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*add more lines if needed*). That since birth, the habitual state of residence of the minor children has/has not been Nevada.

* 1. (If not) The child(ren) have lived with the following persons in the following places

within the last five years: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*add more lines if needed*).

1. **Choose One – Legal Custody**

That the Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is a fit and proper person to be awarded joint legal custody of the child(ren).

**OR**

That the Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is a fit and proper person to be awarded sole legal custody of the minor child(ren).

1. **Choose One – Physical Custody**

That the Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is a fit and proper person to be awarded joint physical custody of the minor child(ren).

**OR**

That the Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is a fit and proper person to be awarded primary physical custody of the minor child(ren).

**OR**

That the Defendant is a fit and proper person to be awarded sole physical custody of the minor child(ren). Due to Defendant’s history of domestic violence against Plaintiff and pursuant to NRS 125C.0035(5), it is not in the best interests of the child(ren) to award Defendant either joint or sole physical custody.

1. **Visitation – if applicable**

That the Plaintiff, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, should be awarded the following visitation schedule with the minor child(ren): (*schedule*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. **Child Support – if applicable**

Defendant’s gross monthly income is $\_\_\_\_\_\_\_\_\_\_. Plaintiff is employed and believed to be earning at least $\_\_\_\_\_\_\_\_\_\_\_ per month. Plaintiff should pay child support in the amount of $\_\_\_\_\_\_\_\_\_\_\_ per month. This amount is (*16% for one child; 22% for two children; 26% for three children; an additional 2% for each additional child*) *(If a parent makes less than $1595/mo. Or more than $6,000/mo., the calculation is different and should be figured out here:* <https://nvchildsupportguidelinescalculator.azurewebsites.net/getobligation.aspx>) of his gross monthly income and in compliance with NAC 425.

1. Pursuant to NRS 425.140, this amount should continue until the

minor child(ren) reach(es) 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 year of age, or becomes emancipated or otherwise self-supporting.

**OR**

Child support has already been set through the District Attorney, Family Support Division under case (*DA case number*) \_\_\_\_\_\_\_\_\_\_\_ and should continue as ordered in that case. The current order requires Plaintiff to pay $\_\_\_\_\_\_\_\_\_\_\_ per month in child support.

1. That Defendant believes that there should be a wage assignment for child support

pursuant to NRS 31A.250, to attach any sums that may be earned by Plaintiff to satisfy the child support obligations.

1. That Plaintiff pay child support from (*date*) \_\_\_\_\_\_\_\_\_\_\_, the date the parties

separated through the present and continuing, pursuant to NRS 125B.050 and that this amount be reduced to judgment. Plaintiff’s child support arrears are $\_\_\_\_\_\_\_ through the end of (*month, year*) \_\_\_\_\_\_\_\_\_\_. Pursuant to NRS 125B.050 and that this amount be reduced to judgment.

1. There are/are not child care costs in the amount of $\_\_\_\_\_\_\_\_ per month. This cost should be paid by Plaintiff/Defendant/Both parties.
2. There is/is not a cost for medical support for the child(ren) in the amount of $\_\_\_\_\_\_\_\_ per month. Plaintiff/Defendant/Both parties should pay the monthly premium. Any unreimbursed medical, dental, optical, orthodontic or other health related expenses incurred for the benefit of the minor child 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 30 days of incurring such expense. If the paid invoice/receipt is not tendered within the 30 day period, the Court may consider it as a waiver of reimbursement by the incurring party. The other party will then have 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 30 day period, the party may be subject to a finding of contempt and appropriate sanctions.
3. **Choose One – Community Property**

That there is not community property.

**OR**

That there is community property to be adjudicated by the Court.

The following community property should be awarded to Plaintiff as Plaintiff’s sole and separate property:

1. (*list all Plaintiff’s property*)
2. (*add additional lines, if needed*)

The following community property should be awarded to Defendant as Defendant’s sole and separate property:

1. (*list all Defendant’s property*)
2. (*add additional lines, if needed*)

There may be additional community assets of the parties, the exact amount and descriptions of which are presently unknown to Defendant. Defendant asks permission of this Court to amend this Complaint to insert this information when it becomes known to Defendant or at the time or trial.

1. **Community Debts – if applicable**

That there are community debts to be adjudicated by the Court.

The following debts should be Plaintiff’s sole and separate debts:

1. (*list all Plaintiff’s debts*)
2. (*add additional lines, if needed*)

The following debts should be Defendant’s sole and separate debts:

1. (*list all Defendant’s debts*)
2. (*add additional lines, if needed*)

There may be additional community debts of the parties, the exact amounts and

descriptions of which are presently unknown to Defendant. Defendant asks permission of this Court to amend this Complaint to insert this information when it becomes known to Defendant or at the time of trial. Defendant request that Plaintiff be ordered to pay any such community debt and to indemnify and hold Defendant harmless thereon.

1. That Defendant is/is not requesting spousal support.

(*If yes*) Defendant should pay $\_\_\_\_\_\_\_ per month in spousal support for the next (*number*) \_\_\_\_\_\_\_ years.

1. Defendant does/does not request a name change.

(*If yes*) Defendant would like to be restored to his/her former name of (*insert former name you would like to go back to*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. That during the course of the marriage, the tastes, mental disposition, views, likes and

dislikes of Plaintiff and Defendant have become so widely divergent that the parties have become incompatible in marriage to such an extent that it is impossible for them to live together as husband and wife; that the incompatibility between Plaintiff and Defendant is so great that there is no possibility of reconciliation between them.

WHEREFORE, Defendant prays for a Judgment as follows:

1. That the marriage existing between Plaintiff and Defendant be dissolved and that Plaintiff be granted an absolute Decree of Divorce and that each of the parties be restored to the status of a single, unmarried person;

2. That the Court grant the relief requested in this Complaint for Divorce; and

3. For such other and further relief as this Court deems necessary and just.

DATED this \_\_\_\_ day of (*month*) ­­­\_\_\_\_\_\_\_, 20­­­\_\_\_.

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

 **ATTORNEY INFORMATION**

 Nevada Bar No.:

 ADDRESS

 CITY, STATE, ZIP

 PHONE NUMBER

 EMAIL

 Attorney(s) for Defendant

**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:(*Defendant*) ⏵\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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