**COMC**

ATTORNEY INFORMATION

Nevada Bar No.:

**FIRM/LEGAL AID/OTHER**

ADDRESS

CITY, ZIP CODE

PHONE NUMBER

EMAIL

Attorney(s) for Plaintiff

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

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PLAINTIFF NAME, )

 )

 Plaintiff, ) Case No.:

 )

vs. ) 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, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, by and through her attorney, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq. of (*law firm, legal aid center, etc.)*, 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 (6) 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.

1. That Defendant is/is not a resident of the State of Nevada.

 3. That there is/are (*number*) \_\_\_\_\_\_ minor child(ren) who is/are the issue of this relationship. The name(s) and date(s) of birth of the minor child(ren) is/are: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born (*date*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_; (*add more names if needed*). Plaintiff is/is not currently pregnant.

 That Nevada is/is not the habitual state of residence of the child(ren).

 4. That Paternity of the minor child(ren) is not at issue. Paternity has been established by (*how paternity was established*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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

 6. **Choose One – Legal Custody**

That the Parties are fit and proper persons to be awarded joint legal custody of the minor child(ren).

**OR**

That Plaintiff is a fit and proper person to be awarded sole legal custody of the minor child(ren).

 7. **Choose One – Physical Custody**

That the Parties are fit and proper persons to be awarded joint physical custody of the minor child(ren).

**OR**

That the Plaintiff is a fit and proper person to be awarded primary physical custody of the minor child(ren).

**OR**

That the Plaintiff 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.

 8. **Visitation**

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

9. **Child Support**

Plaintiff’s gross monthly income is $\_\_\_\_\_\_\_\_\_\_ and Defendant’s gross monthly income is $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant 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 the Nevada Administrative Code. Defendant is employed and believed to be earning at least $\_\_\_\_\_ per month.

**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 Defendant to pay $\_\_\_\_\_\_\_\_\_\_\_ per month in child support.

10. Pursuant to NAC 425, 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.

 11. That Plaintiff 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 Defendant to satisfy Defendant’s child support obligations.

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

 13. There are/are not child care costs in the amount of $\_\_\_\_\_\_\_\_ per month. This cost should be paid by Plaintiff/Defendant/Both parties.

 14. 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 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.

 15. **Birth Certificate/Name Change – Choose One**

That the child’s birth certificate should not be changed.

**OR**

That the child’s birth certificate should be changed to state that the father of the minor child is (*name of father*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**
That the child’s name should be changed to (*write the complete first, middle, and last name the child should have*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ because (*explain why you want to change the child’s name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 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 *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* 20\_\_\_\_.

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

 **ATTORNEY INFORMATION**

 Nevada Bar No.:

 ADDRESS

 CITY, STATE, ZIP

 PHONE NUMBER

 EMAIL

 Attorney(s) for Plaintiff

**VERIFICATION**

 PLAINTIFF, 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 FOR CUSTODY 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 matter, 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\_\_\_\_.

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

 Plaintiff