# DIVORCE

# ANSWER AND COUNTERCLAIM

# WITH CHILDREN

# ***IMPORTANT***

## ***THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE ADVICE OF A PRIVATE ATTORNEY***

## *Private Counsel Is Always Recommended For Legal Matters*

The law allows any person to represent themselves in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

**Before filling in any portion of the following documents, read all the materials included in this packet regarding custody, visitation, child support and definitions of terms.**

***THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION, OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHINGS OF THIS MATERIAL.***

# SOME DEFINITIONS and EXPLANATIONS OF TERMS USED IN FAMILY CASES WITH CHILDREN

***The following definitions and explanations are only to be used as general guidance.*** ***In no way are they intended to cover all the legal significance and importance of the terms. You are advised to seek a full explanation of the terms, definitions, and explanations from a private attorney licensed to practice law in the State of Nevada.***

Alimony or Spousal Support: Alimony, or Spousal Support, is the amount paid to one spouse by the other for a period of time after the marriage is over, usually to assist the spouse in being able to maintain a lifestyle to which that spouse is accustomed, until that spouse can get back on firm financial footing. Spousal support may be for a limited amount of time, such as months or years, or may be permanent such as for a lifetime or until remarriage, whichever occurs first. If the spouse that is receiving support remarries, unless otherwise agreed upon, the spousal support stops. There is no formula for spousal support and either party may receive spousal support. The factors governing spousal support are complicated and if you have any questions regarding spousal support, ***they should be discussed with a private attorney.***

Assets: Generally, ***anything*** acquired or purchased during the time of the marriage is considered a community asset and, therefore, community property, and it usually does not matter if one name is on the property or both names are on the property. Nevada is a community property State and the law in Nevada is that community assets are equally divided at the time of a divorce. ***There are some exceptions, and those should be discussed with a private attorney.*** The term "community assets" includes: the income of both parties during the marriage and anything purchased with either income, any interest acquired in real property, any retirement funds earns during the marriage, vehicles purchased during the marriage (even if in only one name), furniture purchased during the marriage, etc. In many cases, it does not matter in whose name these things are purchased. Sole and separate property is not ***usually*** considered community property ***unless*** it was given as a gift to the community or the community has acquired an interest in it in another way. If one party wastes community assets or gives community assets away without the other party's knowledge or consent, that party may have to reimburse the community for the wasting of assets. If there is a question of wasted assets, ***those should be discussed with a private attorney.***

Child Custody: There are two kinds of custody, "legal" custody and "physical" custody. For a more complete explanation of custodial terms used in divorce, separation and custody cases, see the information sheet entitled Common Custody Terms. Custody is a complicated issue and you are urged to see the advice of private counsel on how to establish custody and visitation.

Child Support: Child support is governed by statute and, like child custody, can become complicated. Although the basic formula as set by statute is 18% of the non-custodial parent's gross income for 1 child, 25% for 2 children, 29% for 3 children, 31% for 4 children and an additional 2% for each additional child, ***there are deviations from the formula that can be considered.*** The minimum child support allowed is $100.00 per month, per child, and the

maximum for each child is determined by the gross income of the non-custodial parent as set out in the statutes. ***Under certain conditions, there are deviations from the minimum and maximum amounts.*** The child support statutes can be found at NRS 125B.070 and NRS 125B.080 and any child support agreed upon must be based on the requirements of those statutes. ***Child support cannot just be waived by the parents.*** You are urged to seek the advice of a private attorney on how to fully address child support and any deviations from the formula. Child support must be reviewed every 3 years or at any time if there is a substantial change of circumstances (such as the loss of a job or the legal responsibility for the support of another family member or another child). It is the responsibility of the parties to request a review and modification of the child support.

Child Visitation: The statute governing child visitation and exchange is clear. It is not enough to just state "reasonable visitation" in any kind of agreement. The visits and terms of the exchange of the child ***must be clear and specific.*** There must be specific days, times and places of exchange included in the agreement, and the holiday calendar must be clearly defined. If there are expenses involved with the exchange and visits, the agreement must state which parents is going to bear the expenses, or, if the expenses are going to be shared. If there is travel involved, who makes the travel arrangements must be stated. If the visitation is going to be "supervised", the arrangements must be stated as to who will supervise the visits, whether the supervised visitation will be temporary or permanent, and, if temporary, when unsupervised visitation will commence, and under what conditions. T***he written agreement for visitation is the controlling agreement and any verbal agreements are usually not enforceable through the courts.***

Community Property: Any assets acquired or purchased during the marriage are usually considered "community property" no matter whose name they are in. That is the starting point for the division of property of the marriage. Nevada is a community property State and it is the law that the division of community property start with an equal division. ***However,*** there are important deviations and exceptions to equal community property distribution. See "Assets" above. ***A private attorney should be consulted regarding division and distribution of community property.***

Debts: Generally, any bills or debts acquired during the marriage are considered community debts and are equally divided at the time of the divorce. ***There are exceptions.*** Debts that are incurred for such things as gambling or for purchasing things that are not for the benefit of the community may be considered sole and separate debts. ***Such debts should be discussed with a private attorney.***

Residency Requirement: One of the "Petitioners" must be a resident of the State of Nevada and that person is known as the "resident petitioner". In order to establish residence in the State of Nevada, that person must have physically lived and physically been here in the State for at least six (6) weeks immediately prior to filing the Joint Petition. If both people are residents of the State of Nevada, only one is actually designated as the "resident petitioner" for purposes of the filling out and filing of the Affidavit of Resident Witness Form.
***A child, or the children, MUST be a resident, or residents, of the State of Nevada for a period in excess of six (6) MONTHS before the State of Nevada can enter any orders regarding custody, or visitation, of the child or children. This is FEDERAL LAW. If the child, or children, are not residents of the State of Nevada for a period of more than***

***six (6) months immediately prior to the filing of the Petition, the State of Nevada has no jurisdiction over orders regarding the children. THERE ARE EXCEPTIONS, but those should be discussed with a private attorney.*** The parties ***cannot*** automatically agree to waive the jurisdiction issue.

Resident Petitioner: The Petitioner, or party, on whose behalf the Affidavit of Resident Witness is going to be filed. If both Petitioners are residents, only one will be the "Resident Petitioner".

Resident Witness: A person that will swear in the Affidavit of Resident Witness that one of the Petitioners has been physically present in the State of Nevada for a period of at least six (6) weeks immediately prior to the filing of the Joint Petition. The Resident Witness may be a friend, a family member, or a co-employee.

Sole and Separate Property: Sole and separate property are those things Husband and Wife owned prior to the marriage, and it ***may*** also include a personal injury settlement received during the marriage by one of the parties, ***if*** the proceeds were kept entirely separate from the community. Sole and separate property remains the property of the individual who owned it prior to the marriage. ***There are exceptions, such as a home or other real property.*** The community may acquire an interest in a home or real property during the time of the marriage even if it belonged to one party prior to the marriage. If there is a question regarding such an interest, and what percentage the community may have acquired, ***you are urged to see a private attorney.***

# COMMON "CUSTODY" TERMS USED IN DIVORCE AND PATERNITY ACTIONS

Custody terms that are used in legal documents have some very important legal consequences and can have a tremendous impact on your future actions in the court.

There are two kinds of custody that must be addressed in divorce and paternity documents. ***"Physical" custody and "Legal" custody.*** Physical custody has to do with the actual, physical interaction and contact between parent and child. Legal custody has to do with the rights and responsibilities to make decisions about the important aspects of the child's life, such as the child's education and the child's health needs.

The following terms are commonly used to describe "custody" arrangements. It is important to realize that these are not the only terms used and if there are terms that you don't understand or you are not sure of their meaning, for your own protection, have the terms clearly defined in any legal document you sign or any orders that issue from the court.

These definitions are not complete legal definitions, but only give you an idea of what terms are commonly used in documents and what they ***generally*** mean. For a more complete definition, please speak to an attorney, or clarify the terms with the mediator, if you are in mediation, or, clarify the terms at the time of any hearing or conference with the judge.

***Primary Physical Custody:*** The child physically resides with, and spends the great majority of time with, one parent, designated as the primary physical custodian, and the other parent has visitation rights and privileges. For example: the non-custodial parent may have visitation at least every other weekend, one evening during the off week, alternate holidays and some block time for vacation periods. Non-custodial arrangements vary with each set of circumstances.

***Joint Physical Custody:*** Each parent has significant periods of time with the child. **IT DOES NOT MEAN** that each parent has an exact equal amount of time with the child. The significant time may be worked out over longer periods such as weekly, monthly, or even annually. This may also be designated as ***shared physical custody.*** Joint physical custody does not mean that there will be no child support obligation. Usually, there is still a child support obligation of some kind from one parent to the other, depending upon the financial position in which each is left following the divorce.

***Sole Physical Custody:*** Sole physical custody is very seldom granted by the court. Usually, the term is used when one parent is completely out of the child's life, such as in prison, or in circumstances that contact with the non-custodial parent would expose the child to physical danger or abuse. Sole physical custody does not automatically mean that the non-custodial parent has no visitation rights. The court may grant one parent sole physical custody and grant the non-custodial parent specific visitation. The term sole physical custody is most often combined with sole legal custody which then grants one parent the complete control over making all the decisions for the child without any input by the non-custodial parent. However, sole physical custody may also be combined with joint legal custody. In that case, although one parent has the

child solely in their physical custody, the important decisions for the child are made with input by the non-custodial parent.

***Joint Legal Custody:*** Both parents equally share the right and responsibility to make decisions about the child's health, education and welfare. Should the parents not be able to agree on such decisions, the parents usually return to mediation to see if they can work out their differences and if they cannot work them out through mediation, the matter is presented to the Court for the final decision. Both parents have an equal right to access such things as the child's doctor's records and school records.

***Sole Legal Custody:*** One parent, alone, has the right and responsibility to make all the decisions about the child's health, education and welfare, without any input from the non-custodial parent. Sole legal custody is only granted in unusual cases and circumstances.

***The State encourages custody arrangements that allow the child to have significant time with both parents and expects both parents to share the responsibility of making the important decisions involving their child's life.***

**NRS 125B.070**
**Amount of payment: Definitions; adjustment of presumptive maximum amount based on change in Consumer Price Index.**

1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

(1) For one child, 18 percent;
(2) For two children, 25 percent;
(3) For three children, 29 percent;
(4) For four children, 31 percent; and
(5) For each additional child, an additional 2 percent,

of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is

| INCOME RANGE<br>If the Parent's Gross Monthly Income Is at Least | | But<br>Less Than | PRESUMPTIVE MAXIMUM AMOUNT<br>The Presumptive Maximum Amount the Parent May be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 Is: |
|---|---|---|---|
| $0 | - | $4,168 | $500 |
| $4,168 | - | $6,251 | $550 |
| $6,251 | - | $8,334 | $600 |
| $8,334 | - | $10,418 | $650 |
| $10,418 | - | $12,501 | $700 |
| $12,501 | - | $14,583 | $750 |

If a parent's gross monthly income is equal to or greater than $14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is $800.

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

(Added to NRS by 1987, 2267; A 1991, 1334; 2001, 1865; 2003,101, 342)

**PRESUMPTIVE MAXIMUM AMOUNTS OF CHILD SUPPORT**
**EFFECTIVE JULY 1, 2010 – JUNE 30, 2011**

NRS 125B.070

Presumptive Maximum Amounts increased 2.7% pursuant to the Consumer Price Index (all items) increase in Calendar Year 2009 (December—December) as published by the U.S. Department of Labor http://www.bls.gov/cpi/#tables

| INCOME RANGE | | | PRESUMPTIVE MAXIMUM AMOUNT |
|---|---|---|---|
| If the Parent's Gross Monthly Income is at Least | | But Less Than | The Presumptive Maximum Amount the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 Is: |
| $0 | - | $4,235 | $621 |
| $4,235 | - | $6,351 | $683 |
| $6,351 | - | $8,467 | $747 |
| $8,467 | - | $10,585 | $807 |
| $10,585 | - | $12,701 | $870 |
| $12,701 | - | $14,816 | $931 |
| $14,816 | - | No Limit | $995 |

Determined and issued by the Administrative Office of the Courts on or before April 1 of each year in accordance with the provisions of NRS 125B.070(3).

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**PRESUMPTIVE MAXIMUM AMOUNTS OF CHILD SUPPORT**
**EFFECTIVE JULY 1, 2011 – JUNE 30, 2012**

NRS 125B.070

Presumptive Maximum Amounts increased 1.5% pursuant to the Consumer Price Index (all items) increase in Calendar Year 2010 (December—December) as published by the U.S. Department of Labor http://www.bls.gov/cpi/#tables

| INCOME RANGE | | | PRESUMPTIVE MAXIMUM AMOUNT |
|---|---|---|---|
| If the Parent's Gross Monthly Income is at Least | | But Less Than | The Presumptive Maximum Amount the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 Is: |
| $0 | - | $4,235 | $630 |
| $4,235 | - | $6,351 | $693 |
| $6,351 | - | $8,467 | $758 |
| $8,467 | - | $10,585 | $819 |
| $10,585 | - | $12,701 | $883 |
| $12,701 | - | $14,816 | $945 |
| $14,816 | - | No Limit | $1,010 |

Determined and issued by the Administrative Office of the Courts on or before April 1 of each year in accordance with the provisions of NRS 125B.070(3).

**NRS 125B.080 Amount of payment: Determination.** Except as otherwise provided in NRS 425.450:

1. A court of this state shall apply the appropriate formula set forth in NRS 125B.070 to:

(a) Determine the required support in any case involving the support of children

(b) Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in NRS 125B.070, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.

4. Notwithstanding the formulas set forth in NRS 125B.070, the minimum amount of support that may be awarded by a court in any case is $100 per month per child, unless the court makes a written finding that the obligor is unable to pay the minimum amount. Willful underemployment or unemployment is not a sufficient cause to deviate from the awarding of at least the minimum amount.

5. It is presumed that the basic needs of a child are met by the formulas set forth in NRS 125B.070. This presumption may be rebutted by evidence proving that the needs of a particular child are not met by the applicable formula.

6. If the amount of the awarded support for a child is greater or less than the amount which would be established under the applicable formula, the court shall:

(a) Set forth findings of fact as to the basis for the deviation from the formula; and

(b) Prove in the findings of fact the amount of support that would have been established under the applicable formula.

7. Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances.

8. If a parent who has an obligation for support is willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation must be based upon the parent's true potential earning capacity.

9. The court shall consider the following factors when adjusting the amount of support of a child upon specific findings of fact:

(a) The cost of health insurance;

(b) The cost of child care;

(c) Any special educational needs of the child;

(d) The age of the child;

(e) The legal responsibility of the parents for the support of others;

(f) The value of services contributed by either parent;

(g) Any public assistance paid to support the child;

(h) Any expenses reasonably related to the mother's pregnancy and confinement;

(i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;

(j) The amount of time the child spends with each parent;

(k) Any other necessary expenses for the benefit of the child; and

(l) The relative income of both parents.

(Added to NRS by 1987, 2267; A 1989, 859; 1991, 1334; 1993, 486; 1997, 2295; 2001, 1866)

## CHILD SUPPORT WHEN PARENTS ARE SHARING JOINT PHYSICAL CUSTODY OR WHEN THE CHILDREN ARE GOING TO BE SPLIT BETWEEN PARENTS

The Nevada Supreme Court set out an additional formula to that found in the child support statutes for parents who share joint physical custody of their children or who are going to split the custody of the children.

**Joint Physical Custody presumes the child is going to spend an approximate equal amount of time with each parent.**

**Split Custody is when one parent has the physical custody of more children than the other parent**. For instance, in a family of three children: Father has primary physical custody of two children and Mother has primary physical custody of one child.

### Joint Physical Custody

The Court directed that the child support be figured according to the percentage as stated in NRS 125B.070 and the parent earning the most pays the parent earning the less, the difference. At the present time, $100 per month, per child is the minimum even if a parent is not working.

**For example:** If parents are sharing joint physical custody of one child and mother is not working, the child support would be figured as follows:

18% of Father's gross monthly income

$100 for Mother's obligation

The difference between the two would be the child support the Father would pay to Mother

**Another example:** If parents are sharing joint physical custody of two children and both parents are working:

25% of Father's gross monthly income

25% of Mother's gross monthly income

The parent who earns the most would pay the parent who makes the less the difference.

## Split Custody

Both parents have a support obligation to the other and it must be figured according to the statutory formula.

For example: There are 3 children in the family. Father has the primary physical custody of 2 and Mother has the primary physical custody of 1.

Mother would have an obligation of 25% of her gross income for the two children who primarily live with Father.

Father would have an obligation of 18% of his gross income for the one child who primarily lives with Mother.

Subtract the less from the greater and the difference is paid to the parent who has the lesser obligation.

Some Figures on the example:

Mother's gross monthly income is $1600.
25% of that is $400—that is mother's obligation for the 2 children living with father
Father's gross monthly income is $1700.
18% of that is $306—that is father's obligation for the 1 child living with mother

Therefore, Mother would pay Father the difference—$94 a month in child support.

**Please note the difference**: if Mother's income is $8,000 per month and Father's income is $2,000, 25% of Mother's income would be $2000 per month and 18% of Father's income would be $360. The difference of the obligations would be $1640 per month. **However**, because the presumptive maximum for each child at $8,000 per month is $625, the Mother's obligation would be $1250, not $1640. The presumptive maximum is used after the difference is figured.

## IMPORTANT REMINDER

**The deviations listed in NRS 125B.080 still may be figured into the formula to increase or decrease the child support obligation.**

# GENERAL INFORMATION ABOUT FILING AN ANSWER

***The forms must be typewritten or legibly handwritten in black ink.***

There will be a filing fee to file this document with the Court. The fee may change from time to time, and it is recommended that you contact the Court Clerk's office to check on the current fee prior to presenting the documents for filing.

If you are indigent and cannot afford the filing fee, you may request the fee be waived by filing the packet entitled **Request for Waiver of Fees and Costs**. The Court will examine your financial status and determine whether a full or partial waiver can be granted, or if the request will be denied.

There are facilities for copying your documents at the Court Clerk's office at the charge of **$.25 per page.** Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

## Location of the Court Clerk's Office

The Court Clerk's Office for **Churchill County** is located at 73 N. Maine Street, Suite B, Fallon, NV, 89406, on the second floor. The phone number is (775) 423-6088.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of Decree for the Judge to sign, **it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.**

## FILLING OUT THE DOCUMENTS

1. **For All Documents**: Fill in the spaces on lines 9 through 13, **exactly** as they appear in your other documents. This is the "heading" of the document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept. No. are always the same.

2. **IMPORTANT NOTE: This form provides you with the basic form to protect your interests in the legal matter, so long as it is filed within the time frame of twenty (20) days after you have been served with the Complaint and Summons, or a Petition and Summons, or an Answer and Counterclaim. If you do not file within that time period, the other party may take a "default" against you and be awarded all they ask for in their pleadings.**

3. **This form does not make provisions for you to file a counterclaim with your answer. To file a counterclaim, use the Answer and Counterclaim supplemental packet.**

4. **Be aware** that additional motions that may have been filed with the Complaint or Petition and served on you with that document are not answered through this form. If you have been served with additional motions, you must answer those motions on other forms. If you do not formally answer those motions, the other party may submit those motions and may be granted all they request. If you have questions regarding motions that have been served on you, immediately seek counsel with a private attorney.

5. The Answer: Carefully review the Complaint or Counterclaim. Make a note on the side as you review of all paragraphs with which are **agree**. Also note all paragraphs with which you **disagree**. Make sure the **whole paragraph is correct when you decide to agree with it.** If you agree only with one part of the paragraph and disagree with another, you must **disagree with the whole paragraph**.

6. Enter the numbers of the paragraphs with which you agree under Section I. Enter the number of the paragraphs with which you disagree under Section II. Enter the number of the paragraphs, if any, which require no answer or that you do not understand under Section III.

7. Complete the Counterclaim (if applicable) as to the allegations you wish to bring against the other party.

8. **This document must be signed in the presence of a Notary Public**.

9. The Certificate of Service: The opposing party must be personally served with a copy of the documents. Service may be made by mail or be personal service. After the documents have been completed, place an "X" on the appropriate line indicating the method of service. The Certificate is to be filled out and signed by the person who actually mails or personally serves a copy of the documents on the other party or their attorney.

10. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Services. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you and your file.'

11. **REMINDER: If other motions have been served on you, you must answer those motions with other responsive documents.**

**If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.**

**NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.**

**If you are requesting that the Court waive the filing fee, the filing procedure is different than above.** Complete the **Request for Waiver of Fees and Costs** packet and following those directions.