

1 Case No.

2 Dept. No.

3 The undersigned hereby affirms that
4 this document does not contain the
5 social security number of any person

6 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CHURCHILL

8
9 _____,
10 Plaintiff,

11 v.

**ANSWER AND COUNTERCLAIM TO
COMPLAINT TO ESTABLISH/
CONFIRM PATERNITY, CUSTODY,
VISITATION, AND CHILD SUPPORT**

12 _____,
13 Defendant.
14 _____/

15 COMES NOW, Defendant, _____, in Proper
16 (Your Name)

17 Person and hereby Answers Plaintiff's Complaint to Establish/Confirm Paternity, Custody,
18 Visitation, and Child Support against Defendant, and alleges as follows:

19 1. Defendant admits the allegations contained in Paragraph(s) (*write the paragraph*
20 *number(s) from the Complaint that you agree with*) _____

21 _____
22 _____ of the Complaint.

23 2. Defendant denies the allegations contained in Paragraph(s) (*write the paragraph*
24 *number(s) from the Complaint that you do not agree with*) _____

25 _____
26 _____ of the Complaint.
27
28

1 3. After reasonable investigations, I am without sufficient information to form a belief as to
2 the truth or falsity of the matters alleged in paragraph(s) (*write the paragraph number(s)*
3 *that you do not know to be true or false because you do not have enough information*)
4 _____
5 _____

6
7 of the Complaint; the allegations are therefore denied with proof demanded at trial.

8 **COUNTERCLAIM**

9 Defendant, as and for a Counterclaim to Establish/Confirm Paternity, Custody, Visitation, and
10 Child Support against Plaintiff, alleges as follows:

11 1. That the Plaintiff and/or Defendant, for a period of more than six weeks immediately
12 preceding the filing of this action, has been and now is an actual, bona fide resident of the
13 State of Nevada, County of Churchill, and has been actually physically present and
14 domiciled in Nevada for more than six (6) weeks prior to the filing of this action.

15
16 2. That the Defendant is a resident of the State of _____.

17
18 3. That the Plaintiff and Defendant have/ have not been married.

19 4. **Paternity.**

20 a. Defendant believes that Plaintiff/ Defendant **is the father** of the
21 child(ren) listed in Paragraph 5 because: (*check all that apply*)

22 The Plaintiff and Defendant filed an Affidavit of Paternity with the Office of
23 Vital Statistics more than six (6) months before the filing of this case and it has
24 not been revoked.

25
26 The alleged father is named on the minor child(ren)'s birth certificate.
27
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1 Plaintiff and Defendant lived together at least six (6) months before the
2 children were born and continued to live together after the child was born.

3 The children were born within 285 days after the Plaintiff and Defendant
4 were divorced or separated.

5 The alleged father has acted and presented himself to be the children's
6 father.

7 Genetic tests were completed to determine the biological father of the
8 children, a copy of which are attached.

9 Paternity was established by a court order filed with (*name of Court*)
10 _____ case number _____ on date _____.

11 Other: _____
12

13
14 **b.** Defendant believes that Plaintiff/ Defendant **is NOT the father** of the
15 child(ren) listed in Paragraph 5 because: (*check all that apply*)

16 The mother of the children listed in Paragraph 5 was married to another man at
17 the time the children were born.

18 The name of another man is on the children's birth certificate.

19 Genetic tests were completed to determine the biological father of the
20 child(ren), a copy of which is/are attached.

21 Paternity was established by a court order filed with (*name of Court*)
22 _____ case number _____ on date _____.

23 Other: _____
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1 **5. Child Information.** The minor child(ren)'s name(s), date(s) of birth, state(s) and
2 length(s) of residence is/are as follows:

3

Child's Name:	Child's Date of Birth:	Length of time child has lived in the State:	State of Residence:

4
5
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7

8 **6. Child Residence: (check one)**

9
10 The children are residents of Nevada and have lived here for at least the past six (6)
11 months and, as such, this Court has the necessary UCCJEA jurisdiction to enter orders
12 regarding custody.

13
14 The children are not residents of Nevada and have not lived here for at least the past
15 six (6) months and, as such, this Court does NOT have the necessary UCCJEA
16 jurisdiction to enter orders regarding custody.

17
18 **7. Legal Custody.** Legal Custody involves having basic legal responsibility for a child and
19 making major decisions about the child like the child's health, education and religious
20 upbringing. *(check one)*

21 The children are not residents of the State of Nevada.

22 The Plaintiff and Defendant should be granted joint legal custody of the minor
23 child(ren)

24 The Plaintiff should be granted sole legal custody of the minor child(ren).

25 The Defendant should be granted sole legal custody of the minor child(ren).
26
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1 8. **Physical Custody.** Physical custody refers to the amount of time the child spends in the
2 care of each parent (*check one*)

3 Joint physical custody exists when each parent has physical custody of the children
4 at least 40% (146 days) of the time calculated over a one year period.

5 Primary physical custody exists when one parent has physical custody of the
6 children more than 60% (219 days) of the time calculated over a one year period.

- 7 The child(ren) is/are not residents of Nevada.
- 8 The Plaintiff and Defendant should be granted joint physical custody of the minor
9 child(ren) with a timeshare as outlined in Exhibit 1.
- 10 The Plaintiff should be awarded primary physical custody of the minor child(ren)
11 with the Defendant having visitation as proposed in Exhibit 1.
- 12 The Defendant should be awarded primary physical custody of the minor
13 child(ren) with the Plaintiff having visitation as proposed in Exhibit 1.

14 9. **Holiday Visitation.** (*check one*)

- 15 The child(ren) is/are not (a) resident(s) of Nevada.
- 16 A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and
17 should take precedence when in conflict with the regular visitation schedule.
- 18 A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and
19 should NOT take precedence when in conflict with the regular visitation schedule.

20 10. **Health Insurance** (*check one*)

- 21 Mom should maintain medical and dental insurance for the minor child(ren), if
22 available. Any deductibles and expenses not covered by insurance should be
23 paid equally by both parties. Mom shall have thirty (30) days to provide Dad with

1 proof of the uncovered health insurance costs or expenses and Dad shall have
2 thirty (30) days from the state of receipt to reimburse Mom.

3 Dad should maintain medical and dental insurance for the minor child(ren), if
4 available. Any deductibles and expenses not covered by insurance should be
5 paid equally by both parties. Dad shall have thirty (30) days to provide Mom with
6 proof of the uncovered health insurance costs or expenses and Mom shall have
7 thirty (30) days from the state of receipt to reimburse Dad.

8 Both Mom and Dad should both maintain medical and dental insurance for the
9 minor child(ren) if available. Any deductibles and expenses not covered by
10 insurance should be paid equally by both parties.
11

12
13 **11. Unreimbursed Medical Expenses. (*check one*)**

14 **30/30 Rule:** Any parent incurring an out-of-pocket medical expense relating to the
15 minor child will provide to the other parent a copy of all paperwork relating to that
16 expense within thirty (30) days of incurring said expense, along with a request for
17 contribution for one-half ½ of the out-of-pocket expense actually incurred. Upon
18 receipt of a request for contribution for one-half ½ of an out-of-pocket expense
19 incurred by a parent on behalf of the minor child, the other parent will reimburse the
20 requesting parent in the amount requested within thirty (30) days of receipt of said
21 request for contribution. Upon receipt of reimbursement from any insurance carrier by
22 either parent, and if the other parent previously paid a portion of the payment resulting
23 in that reimbursement, the parent receiving the reimbursement shall equally divide
24 said reimbursement with the other parent within seven (7) days of receipt of same.
25 Both parents have the authority to contact the insurance provider directly in order to
26 determine the status of any individual claim.

27 The Defendant asks the court to adopt the 30/30 Rule.

28 The Defendant asks the court to NOT adopt the 30/30 Rule.

12. Court Order(s). (*check one*)

Child Support has not been set by a Court.

1 Child Support has been set by a Court Order in the (*name of Court*)
2 _____, case number _____, filed on date
3 _____. Under this order (*name of parent*) _____
4 is ordered to pay _____ dollars per month for the support of the parties'
5 minor child(ren).
6

7 **13. Child Support.** (*Complete the Child Support Worksheet (Worksheet A or B) that applies*
8 *to your custody arrangement BEFORE you complete this question.*)

9 Bases upon the proposed physical custody arrangement, (*check one*) Plaintiff/
10 Defendant should pay \$ _____ dollars per month for support of the parties'
11 minor child(ren).
12

13 **14. Child Support Calculation.** The amount of child support requested was calculated based
14 upon the following: (*check one*)

15 The statutory minimum of \$100 per month, per child.

16 The calculation for a primary physical custody arrangement as shown on the
17 attached Worksheet A.
18

19 The calculation for a joint physical custody arrangement as shown on the attached
20 Worksheet B.

21 Other: _____
22 _____
23

24 **15. Wage withholding Order.** (*check one*)

25 The Defendant asks that the court order a wage withholding against the obligor
26 parent (parent who owes child/spousal support) to secure payment of child
27 support and spousal support, if any.
28

Good cause exists to postpone the withholding of income from the obligor parent to pay child support and spousal support, if any.

16. Child Support Arrear. (*check one*)

The Defendant is not asking for back child support and waives his/her right to child support arrears.

The Defendant is the noncustodial parent and therefore is not entitled to back child support.

The Defendant asks the court to award the Plaintiff back child support from (*date*) _____ to (*date*) _____ (*max. 4 years*) and certifies that during that time period, the Defendant gave the Plaintiff a total of \$ _____ for child support.

The Defendant asks the court to award the Defendant back child support from (*date*) _____ to (*date*) _____ (*max. 4 years*) and certifies that during that time period, the Plaintiff gave the Defendant a total of \$ _____ for child support.

WHEREFORE, Defendant prays for a Judgment as follows:

1. That, if necessary, this Court enter an order establishing/the alleged father's paternity of the children listed in Paragraph 5 of this Counterclaim;
2. That the Court enter an order establishing custody, visitation and child support as stated in this Counterclaim;
3. That the Court enter an order regarding medical and dental insurance coverage and the payment of unreimbursed medical expenses for the minor children as stated in the Counterclaim; and

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

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Date: _____

(Print Name)

(Signature)

(Address)

(Telephone number)

AFFIDAVIT IN SUPPORT OF COMPLAINT

STATE OF NEVADA)
) ss:
COUNTY OF _____)

I, _____, being first duly sworn, under penalties of perjury,
(Your name)
deposes and says:

I am the Plaintiff/Petitioner in the above-entitled action; that I have read the foregoing Answer and Counterclai, if requested, and am competent to testify of its contents of my own knowledge and the contents are true of my own knowledge except for those matters stated therein on information and belief, and, as to those matters, I believe them to be true.

(Signature)

SUBSCRIBED and SWORN to before me

This ____ day of _____, _____.

NOTARY PUBLIC

STATE OF NEVADA)
) ss:
COUNTY OF _____)

On this ____ day of _____, _____, personally appeared before me, the undersigned, a Notary Public in and for the County of _____, State of Nevada, _____, personally known to me or proved to me, to be the person whose name is subscribed to the attached instrument who acknowledged that (he/she) _____ executed the attached instrument.

NOTARY PUBLIC

EXHIBIT 1

Week	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
<i>Sample</i>	Mom Pick up at 11 a.m.	Mom	Dad Pick up after school at 3 p.m.	Dad	Dad	Mom Pick up after school at 3 p.m.	Mom
Week #1							
Week #2							
Week #3							
Week #4							

EXHIBIT 2

Check box if this holiday applies:	Holiday	Time (Circle a.m. or p.m.):	Every Year	Even Years	Odd Years
	New Year's Eve	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	New Year's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Martin Luther King, Jr. Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Presidents' Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Passover	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Easter	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Memorial day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Mother's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Father's Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	4 th of July	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Labor day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Rosh Hashanah	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Yom Kippur	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Nevada Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Halloween	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Veterans Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Thanksgiving Day	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Chanukkah (days):	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Chanukkah (Days)	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad
	Christmas Eve	From: _____ a.m./p.m. To: _____ a.m./p.m.	__ Mom __ Dad	__ Mom __ Dad	__ Mom __ Dad

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	Christmas	From: _____ a.m./p.m. To: _____ a.m./p.m.	___ Mom ___ Dad	___ Mom ___ Dad	___ Mom ___ Dad
	Father's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	___ Mom ___ Dad	___ Mom ___ Dad	___ Mom ___ Dad
	Mother's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	___ Mom ___ Dad	___ Mom ___ Dad	___ Mom ___ Dad
	Child's Birthday	From: _____ a.m./p.m. To: _____ a.m./p.m.	___ Mom ___ Dad	___ Mom ___ Dad	___ Mom ___ Dad
		From: _____ a.m./p.m. To: _____ a.m./p.m.	___ Mom ___ Dad	___ Mom ___ Dad	___ Mom ___ Dad
		From: _____ a.m./p.m. To: _____ a.m./p.m.	___ Mom ___ Dad	___ Mom ___ Dad	___ Mom ___ Dad