

1 Case No.

2 Dept. No. I

3 The undersigned hereby affirms this document
4 Does not contain a social security number.

5
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 Vs.

12 _____
13 Defendant.

**ANSWER AND COUNTERCLAIM
FOR ANNULMENT OR IN THE
ALTERNATIVE FOR DIVORCE AND
UCCJEA DECLARATION
(With Children)**

14
15 Defendant (*your name*) _____ respectfully states:

- 16
17 **1.** Defendant admits the following allegations: (*write the paragraph numbers from the*
18 *Complaint you agree with*) _____.
- 19
20 **2.** Defendant denies the following allegations: (*write the paragraph numbers from the*
21 *Complaint you disagree with*) _____.
- 22
23 **3.** Defendant is without sufficient knowledge to admit or deny the following allegations:
24 (*write the paragraph numbers you are unsure about*) _____.

1 **COUNTERCLAIM FOR ANNULMENT OR IN THE ALTERNATIVE FOR DIVORCE**

2 **1. Jurisdiction.** (*check all that apply*)

3 The parties were married in the State of Nevada on *(date of marriage)*

4 _____.

5 *(Name of spouse who is a Nevada resident)* _____

6 has been a resident of the State of Nevada for at least six weeks prior to filing this
7 Complaint for Annulment and intends to make Nevada his/her home for an indefinite
8 period of time. The parties were married on *(date of marriage)* _____
9 in *(city)* _____, *(state)* _____.

10 **2. Reason for Annulment.** (*check all that apply*)

11 There is close enough blood relationship between the parties that the marriage is
12 prohibited by law.

13 Plaintiff or Defendant was married to someone else on the day of the wedding
14 ceremony.

15 Plaintiff was under the age of 18 at the time of the marriage ceremony and did not
16 get the proper consent from the parents, guardians, and/or district court. This Complaint
17 is being filed within one year of Plaintiff reaching 18 years of age, and the parties have
18 not freely cohabited since that time.

19 Plaintiff lacked understanding of his/her actions to the extent that he/she was
20 incapable of agreeing to the marriage because *(explain)*:

21 _____
22 _____
23 _____

24 Plaintiff was insane at the time of the wedding ceremony and has regained sanity.
25 The parties have not freely cohabited since Plaintiff regained sanity.

26 Plaintiff's consent to the marriage was obtained by fraud because *(describe the*
27 *fraud)*: _____

28 _____

1 **3. Pregnancy.** (*check one*)

2 Neither spouse is pregnant.

3 The following spouse is pregnant: (*name of pregnant spouse*)

4 _____ . The other spouse is / is not the parent
5 of the unborn child. The child is due to be born on (*due date*) _____

6 It is unknown whether either spouse is currently pregnant.

7 **4. Children.** There are (*number*) _____ minor children in common born to or
8 adopted by the parties. The children's names and information are listed below:

9

Child's Name	Date of Birth	Age

10
11
12
13
14

15 **5. UCCJEA Declaration.** (*check one*)

16 The children have lived in Nevada for the past six months or since birth. Nevada
17 is the children's "home state."

18 The children have NOT lived in Nevada for the past six months or since birth.
19 Nevada is not the children's "home state."

20
21 **a. Living Arrangements Last 5 Years.** The children have lived with the following
22 people in the following places within the last five years:

23

Time Period (mo/yr – mo/yr)	Name of Person the Children Lived With	City and State	Child's Name (if not all children)
_____ - present			
_____ - _____			
_____ - _____			
_____ - _____			
_____ - _____			

24
25
26
27
28

1 The names and current addresses of each non-parent the children lived with during the last
2 five years are: _____
3

4 **b. Participation in Other Cases:** (*check one*)

5 I have / have not participated as a party or witness or in some other capacity in any
6 other case involving the children. If you have, provide all specifics including the state, the
7 court, children involved, the case number and the date of the child custody order, if any:
8 _____
9 _____

10 **c. Knowledge of Other Cases:** (*check one*)

11 I do / do not know of a different case that could affect the current case. If you do,
12 provide all specifics including the state, the court, parties involved, the case number and
13 the nature of the proceeding: _____
14 _____

15 **d. Person(s) Who Claim Custody / Visitation:** (*check one*)

16 I do / do not know of anyone other than the parents who has physical custody of the
17 children or who claims custody/visitation rights to the children. If you do, list names and
18 addresses of anyone who claims custody/visitation rights:
19 _____
20 _____

21 **6. Legal Custody.** *Legal custody refers to the ability to access information and make*
22 *major decisions about the children, such as medical care, education, and religious*
23 *upbringing.* (*check one*)

24 The parties should share joint legal custody of the children.

25 Plaintiff should have sole legal custody of the children.

26 Defendant should have sole legal custody of the children.

27 Nevada is not the “home state” of the children, and the Court generally cannot
28 enter custody orders.

1 **7. Physical Custody.** *Physical custody refers to the amount of time the children spend*
2 *with each parent. (check one)*

3 The parties should share joint physical custody of the children (*each parent must*
4 *have the children roughly 40% of the time, or 146 days per year*). A proposed parenting
5 timeshare and holiday schedule is attached as Exhibit 1.

6 The (check one) Plaintiff / Defendant should have primary physical
7 custody of the children. A proposed parenting timeshare and holiday schedule is
8 attached as Exhibit 1.

9 Nevada is not the “home state” of the children, and the Court generally cannot
10 enter custody orders.

11 **8. Public Assistance.** (check one)

12 None of the parties in this case have ever received state assistance or welfare.

13 State assistance or welfare has been or is being provided to parties in this case.

14
15 **9. Child Support.** *Complete the attached Child Support Worksheet that applies to your*
16 *custody arrangement before you complete this section. (check one)*

17 Child support should be paid by, (*name of parent who should pay child support*)
18 _____ in the amount of (*amount*) \$_____ per month in
19 child support. This is based on: (check one)

20 The statutory minimum of \$100/month per child.

21 The calculation from the attached Child Support Worksheet.

22 The amount already established by the District Attorney / Child Support
23 Enforcement office, case (*insert case number*)_____.

24 No child support is requested. (*Explain why not*): _____
25 _____.

26 I’m not sure how much child support should be paid, and ask the court to set
27 support.
28

1 **10. Child Support Arrears.** *A maximum of four years' worth of child support arrears may*
2 *be requested. The court may award some, none or all that is requested.*

3 (*check one*)

4 No back child support or arrears are requested.

5 Child support arrears are being handled by the District Attorney / Child Support
6 Enforcement office, case (*insert case number*) _____ and should
7 continue as ordered in that case.

8 Back child support should be paid by (*name of parent who should pay back child*
9 *support*) _____ from (*date back child support*
10 *should begin*) _____ to present.

11 **11. Wage Withholding.** (*check one*)

12 A wage withholding order should be entered to secure payment of any support
13 owed.

14 A wage withholding order should NOT be entered.

15 **12. Health Insurance.** (*check all that apply*)

16 Both parties should provide future health insurance for the minor children if
17 available.

18 Future health insurance for the minor children should be provided by (*name of*
19 *parent*) _____ if available.

20 **13. Unreimbursed Medical Expenses.** (*check one*)

21 Any expenses not covered by insurance should be paid equally by both parties.

22 Any expenses not covered by insurance should be paid by (*name of parent*)
23 _____ due to the following extraordinary circumstances:
24 (*explain*) _____
25 _____
26 _____

1 **14. Child Tax Deduction.** (*check one*)

2 Plaintiff should claim the following children as dependents for tax purposes every
3 year: (*insert children's names*): _____.

4 Defendant should claim the following children as dependents for tax purposes
5 every year: (*insert children's names*): _____.

6 The tax deduction should alternate, with Plaintiff claiming the children in (*check*
7 *one*) even / odd years, and Defendant claiming the children the other years.

8 The tax deduction should be allocated per federal law.

9 **15. Name Change.** (*check one*)

10 Plaintiff does not request a name change.

11 Plaintiff would like his/her former name of (*insert name*) _____
12 restored.

13 **16. Alternate Request for Divorce.** (*check one*)

14 Plaintiff does not want to include a claim for divorce as part of this case. (*Skip*
15 *remaining sections and sign pages 9-10*)

16 If the Court does not grant an annulment, Plaintiff requests a divorce. The parties
17 are incompatible.
18

19 **Community Property:**

20 Community property includes but is not limited to: checking, savings, and other investment
21 accounts, real property / houses, vehicles, pensions, 401(k)s, deferred compensation, IRAs,
22 and personal property. Make sure the list of property below is complete.
23

24 **17. Community Property.** (*check one*)

25 There is no community property to divide.

26 Any community property has already been divided.

27 I do not know the full extent of the community property.

28 The community property should be divided as follows:

Plaintiff:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Defendant:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Attach additional sheets if more property needs to be listed.

Community Debt:

Community debt includes but is not limited to: mortgages, car loans, credit cards & tax debt.
 The division of debt does not affect creditors' rights to collect the debt. The parties may be
 required to restructure the debts per creditors' requirements.

18. Community Debt. (*check one*)

- There is no community debt to divide.
- Any community debt has already been divided.
- I do not know the full extent of the community debt.
- The community debt should be divided as follows:

Plaintiff:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Defendant:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Attach additional sheets if more debts need to be listed.

19. Alimony. (*check one*)

- No spousal support is requested.
- Plaintiff should pay \$ _____ per month in spousal support for the next
(*number*) _____ years.
- Defendant should pay \$ _____ per month in spousal support for the next
(*number*) _____ years.

Defendant request:

- 1 That the marriage existing between Plaintiff and Defendant be declared null and void and/or dissolved, and that Defendant be granted an absolute Decree of Annulment and/or 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; and
- 3 For such other relief as the Court finds to be just and proper.

DATED this (*day*) _____ day of (*month*) _____, 20_____.

Submitted By: (*your signature*) _____
(*print your name*) _____

VERIFICATION

Under penalty of perjury, I declare that I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint 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 this (day) _____ day of (month) _____, 20_____.

Submitted By: (your signature) _____
(print your name) _____