IMPORTANT DISCLOSURE

These forms and instructions are provided as a courtesy only. Clark County, the Eighth Judicial District Court, the Clark County Family Law Self-Help Center, and their employees **SHALL NOT BE LIABLE** for errors contained within or for direct, indirect, special, or consequential damages in connection with providing this material.

Many family law matters involve complex and valuable legal rights. These forms and instructions are basic general forms and **DO NOT** fit all situations. If your situation does not fit the general forms you will need to perform additional legal research or consult an attorney.

It is always recommended that you consult with an attorney before attempting to use self-help. This is especially true if your case involves unique or complicated issues. Most family law issues affect significant legal rights. Some rights cannot be adequately protected 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 law provides for exceptions in some situations. If your case involves special circumstances these exceptions may apply to you. Self-Help Center forms do not include information on these exceptions. Applicable laws and rules are set out in the Nevada Revised Statutes, The Nevada Rules of Civil Procedure, and other local rules governing the jurisdiction in which you are filing your documents.

By signing these documents and filing them with the court, you agree to the following:

- You have carefully read the documents;
- You understand all the terms and conditions in the documents;
- You agree with everything in the documents; and
- You are aware of all of the consequences that may occur as a result of filing.

Note that if you, the other party, or your children have ties to a state other than Nevada (i.e. you recently moved here or you have orders from another state) you should consult an attorney **BEFORE** filing any documents because the court may not have jurisdiction over you. However, once you file certain documents, the court will have jurisdiction and you **WILL NOT** be able to change that.

Helpful Tips for the Answer and Counterclaim to a Complaint for Divorce:

- The filing fee for the Answer to Complaint for Divorce is **$217**.
- Common court rules to be aware of:
  - All documents must be typed or written *neatly* in black ink
  - Stamp or write original in the center on the front page of all original documents
- You **can** use this packet if:
  - If you have been served with a Complaint for Divorce;
  - You **want** to file a Counterclaim; and
  - You agree that the Divorce should be heard by a judge in Clark County, Nevada.
- A counterclaim is a lawsuit that you file against the Plaintiff. This is where you ask for what you want out of the divorce in the same way the Plaintiff did in the Complaint.
- You have **20 days** from the day you were served with the Complaint and Summons to file your answer and counterclaim. If you do not file within 20 days a **default** can be taken against you and the Plaintiff may get everything he or she asked for in the Complaint.
- If you need temporary relief before your case is final, you can file a motion to ask the court to put a temporary order in place.
- If you **have children**, you must attend the COPE Parenting Seminar. You can attend the seminar any time before you submit your final Decree paperwork to the judge. You may also have to attend mediation through the court's Family Mediation Center to work through issues you and your spouse do not agree on.
- You are not legally divorced until the judge signs your Decree and it is filed with the clerk.

If you believe that the Court does not have jurisdiction, you should see a lawyer. The rules about jurisdiction are very complicated and you could lose valuable rights if you file the wrong document.

For more information about how to finish your case, please consult the Self-Help Center or an attorney.

Self-Help Center hotline: (702) 455-1500 **website:** www.clarkcountycourts.us/shc

Answer and Counterclaim for Divorce

Step 1: Are you ready to file an answer with a counterclaim?

A. Do you want to make your claims against the Plaintiff?

☐ Yes

☐ No

Go to Part B

B. Do you agree that the Divorce should be heard by a judge in Clark County, Nevada?

☐ No

☐ Yes

STOP An Answer and Counterclaim may not be appropriate for you.

GO Go to Step 2

Step 2: Do I have all of the forms I need?

- ☐ Answer and Counterclaim
- ☐ Certificate of Mailing
- ☐ Child Support Worksheets A & B
- ☐ Financial Disclosure Form
- ☐ UCCJEA Declaration (if needed)
- ☐ Joint Preliminary Injunction "JPI"(optional, not needed if Plaintiff already filed one)

Go to step 3

Step 3: Prepare your Forms.

All Self-Help Center forms are in a fill-in-the-blank format. Use only black ink. Do not leave any lines blank on the forms. If something does not apply to you write "N/A".

A. **Fill out the following forms.**

- ☐ Answer and Counterclaim
- ☐ Child Support Worksheet A OR B
- ☐ Financial Disclosure Form
- ☐ UCCJEA (if using)
- ☐ JPI (if using)

B. **Sign the Answer and Counterclaim** in front of a notary.

C. **File the forms you filled out**.

Go to step 4

Step 4: Make copies of the filed forms for your records.

Go to step 5

Step 5: Serve the Plaintiff.

A. Give the Plaintiff a copy of the following filed forms by mailing them via U.S. Postal Service:

- ☐ Answer and Counterclaim
- ☐ Financial Disclosure Form
- ☐ JPI (if using)

B. Next, the person who mailed these documents to the Plaintiff must fill out the Certificate of Mailing. This form does not require a notary.

C. File the Certificate of Mailing and make a copy of the filed form for your records.

Go to step 6

Step 6: Now what do I do?

A. The Plaintiff has 20 days to respond to your Counterclaim. Note that the Reply is optional for the Plaintiff.

B. Once both parties have responded, the court schedules a case management conference within 90 days.

Additional preparation and documents may be required for the case management conference. Contact the Self-Help Center if you have any questions, need additional information, and for other available forms.

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