

AC-3

ANSWER AND COUNTERPETITION TO PETITION TO ESTABLISH CUSTODY AND VISITATION

Purpose of this packet:

To respond to a Petition to Establish Custody and Visitation if what you want is different from what the other parent has requested in their Petition.

Note: If you received other motions with the Petition to Establish Custody and Visitation, you must respond to those motions with other forms in addition to this Answer and Counterpetition.

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4. Confidential Family Court Information Sheet
5. Answer to Petition to Establish Custody and Visitation and Counterpetition
 - a. Appendix A: Gross Monthly Income Worksheet
 - b. Appendix B: Child Support Worksheet
6. General Financial Disclosure Form
7. Proof of Service

Note: The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. §199.145

Instructions:

☐ Step 1: Sign up for an electronic filing account (if you don't already have one)

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

☐ Step 2: Fill out the following forms:

- Confidential Family Court Information Sheet
- Answer to Petition to Establish Custody and Visitation and Counterpetition, including Appendix A and Appendix B
- General Financial Disclosure Form

Note: You are the respondent in this custody case. The parent that filed the initial petition is the petitioner.

If you include paystubs or tax information with your General Financial Disclosure Form, conceal (blackout) any personal identifying numbers (such as bank account numbers and social security numbers).

☐ Step 3: File your forms

Electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them.

There is a filing fee for your Answer and Counterpetition. If you are paying the filing fee with a credit card, the credit card must be added into eFlex before you electronically file your documents. Cash payments will need to be brought to the Resource Center. If you cannot afford the filing fee, there is an F-6 Application and Declaration to Waive Fees and Costs that can be used to ask for the filing fee to be waived.

🔗 How to add a credit card to your eFlex account:

1. Sign in to your eFlex account <https://wcefex.washoecourts.com/>
2. To pay the filing fee, you must add a credit card to your eFlex account.
3. Click on "My Profile."
4. Under the "Wallets" section, go to "SECOND JUDICIAL DISTRICT COURT - STATE OF NEVADA - Family Court Fee Payments" and click the "Add" button.
5. Enter a description for the credit card you will be using.
6. Click "Create Credit Card Token." Enter your credit card information and follow the prompts to save it to your account.

👉 How to file your documents using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click "Home;" click "Existing Cases."
3. Select the blue "eFile" link next to the case number. If you do not see the case number, type the case number in the search bar and click "eFile."
4. To file each document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the documents below:

Note: Leave the eFlex Document Category field blank.

- Confidential Family Court Information Sheet
(Document Type: Family Court Info Sheet)
- Answer to Petition to Establish Custody and Visitation and Counterpetition including Appendix A and Appendix B, all together as one PDF document.
(Document Type: Answer and Counterclaim)
- General Financial Disclosure Form
(Document Type: Financial Declaration)
Note: If you are including paystubs, the General Financial Disclosure Form and your paystubs need to be all together as one PDF.

5. When all documents have been uploaded, review each one by clicking on the hyperlinked file name in the "View Document" column. When you have confirmed everything is correct, click "Next."
6. Estimated Fees: the filing fee will be displayed. Select how you will satisfy the payment. If you have a credit card on file, select "Wallet Item." If you have an approved Fee Waiver on file, select "Order Granting Fee Waiver Approved."
7. When you are ready to submit your documents to the court, click "Submit the Filing."

□ **Step 4: Service**

You must serve (give) the other parent a copy of your Answer and Counterpetition, Appendices, and General Financial Disclosure Form (including paystubs). The court **WILL NOT AND CANNOT** serve the documents for you.

Service of your Answer and Counterpetition, Appendices, and General Financial Disclosure Form may be done by electronic service (eFlex), mail, or personal service.

The Confidential Family Court Information Sheet does not need to be served.

Service by eFlex:

Service will be made electronically by eFlex if the other parent has an active eFlex account.

To view which parties in the case will be served electronically, log into eFlex. On the home page, in the provided box, type in your case number, then click the blue “Service List” button. The eFlex system will generate a list of who will receive electronic notice and who will need to be served another way.

If the other parent does not have an eFlex account, you can serve them by mail or personal service. You can print file-stamped copies of your documents from your eFlex account or visit the Resource Center to obtain copies for a fee.

Service by mail:

Service may be made by regular mail, certified mail, or registered mail. If you serve by certified mail, keep the white slips and green return cards to attach to your Proof of Service form.

Personal service:

Service may be made by handing a file-stamped copy of your documents to the other parent.

□ **Step 5: File proof of service**

Complete the Proof of Service form with the date you served the documents and how you served the other parent.

Electronically file your Proof of Service yourself or bring it to the Resource Center to get help filing it.

🔗 How to file your Proof of Service using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click “Home;” click “Existing Cases.”
3. Locate the case you are filing into, and click on the blue “eFile” link next to the case number.
4. To file the document, you will select the applicable Document Type, click “Choose File” or “Browse,” then locate your document file on your computer, and click “Add.”

Follow the prompts to upload the following document:

Note: Leave the eFlex Document Category field blank.

- Proof of Service
(Document Type: Proof of Service)
Note: If you are including mailing receipts, your Proof of Service and receipts need to be all together as one PDF document.

5. Review the document by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document to the court, click “Next” and “Submit the Filing.”

☐ **Step 6: Response to your Answer and Counterpetition**

The other parent has 21 days to respond to your Answer and Counterpetition (if you served them personally or by eFlex), starting the day after service. If you served them by mail, they have 24 days after the day of mailing to respond with an Answer to Counterclaim.

If the other parent does not file a response, you may request a default on the counterpetition. A P-1 Default packet is available online at <https://www.washoecourts.com/> or at the Resource Center or Law Library.

☐ **Step 7: Attend your hearing**

Your first hearing is called a Case Management Conference Hearing.

A hearing must be scheduled; the court will not automatically set one for you.

If the hearing has not already been set by the other parent, contact the Judicial Assistant in the department in which your case will be heard to ask to schedule a hearing.

Go to <https://www.washoecourts.com/Judges> to look up the contact information for your department. Or you may reach out to the Law Library or Resource Center for your department’s contact information.

The Judicial Assistant will file a Notice/Order Setting Case Management Conference Hearing into your case. You will receive an eFlex notification when the Notice/Order has been filed. Read the Notice/Order for further instructions on your next steps, and details about the time and location of your hearing.

For procedural questions, or help with electronically filing your documents, visit or contact:

Resource Center
1 South Sierra St., 3rd Floor
Reno, NV 89501
775-325-6731

Law Library
75 Court St., Room 101
Reno, NV 89501
775-328-3250

Legal Assistance Information

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

LAWYER IN THE LIBRARY

Sign up on our website:

<https://www.washoecourts.com/LawLibrary/LawyerInLibrary>

For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

NEVADA LEGAL SERVICES

449 S. Virginia St.
Reno, NV 89501

775-284-3491 – leave a message,
if necessary

<https://nevadalegalservices.org>

NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1st Floor
Reno, NV 89501

775-321-2062 – leave a message,
if necessary

<https://nnlegalaid.org>