

**ANSWER AND
COUNTERCLAIM
TO
COMPLAINT FOR
DIVORCE
(WITHOUT MINOR CHILDREN)**

AC – 1

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

www.washoecourts.com

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**ANSWER AND COUNTERCLAIM TO
COMPLAINT FOR DIVORCE
(WITHOUT MINOR CHILDREN)**

PACKET AC-1

Use this answer and counterclaim packet only if all of the following requirements have been met:

- You are currently married.
- You received a complaint for divorce.
- You are filing a counterclaim.
- The other party has not filed a default against you.

Attention

- An answer must be filed and served within 21 days after you have received the summons and complaint. If you do not file within that time, your spouse may take a default against you and be awarded what they have asked for in their complaint.
- If you received a request to waive service of summons, please contact the Resource Center for more information.
- If you received other motions with the complaint for divorce, you must answer to those motions with forms other than this answer and counterclaim. Please contact the Resource Center for more information.

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.

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INSTRUCTIONS FOR COMPLETING FORMS

Carefully read all instructions before starting to fill out any of the forms.

Use **black or blue ink only**. Neatly print the information requested.

Do not use correction fluid/tape on the forms.

This packet contains the following forms:

1. EFile User Agreement (Standard)
2. Family Court Information Sheet
3. Answer and Counterclaim
4. General Financial Disclosure
5. Proof of Service
6. Definitions of Terms Used in this Packet

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INSTRUCTIONS: STEP 1

eFlex Account and eFile User Agreement:

To file your documents, you will need to sign up for an eFlex account and have a valid email address. There is no fee to sign up for a standard eFlex account. If you already have an eFlex account for a different case, you do not need to create another account and can skip this step.

To sign up:

- 1) Carefully read and complete the eFile User Agreement (Standard) by filling in as much information as possible, signing, and dating page two;
- 2) Return the eFile User Agreement (Standard) to the Second Judicial District Court, or email it to eflexsupport@washoecourts.us;
- 3) Request an account at <https://wcefex.washoecourts.com/>.

SECOND JUDICIAL DISTRICT COURT
WASHOE COUNTY
STATE OF NEVADA

**EFILE USER AGREEMENT
(Standard)**

This serves as your eFile User Agreement with the Second Judicial District Court for the purpose of registering for an eFile account to permit eFiling of court case documents using the eFlex Electronic Filing System (eFlex). Currently, this account will be subject to a \$0.00 fee per transaction.

By registering for an eFlex account I agree and consent to the following:

- I will submit court filings electronically through eFlex on court cases for which I am an active party or of record, or an officer of the Court filing documents in my official capacity.
- As a registered eFlex account holder, I cannot deactivate my email address without filing a Written Notice of Intent to change my email address with the District Court. The Written Notice of Intent must include my bar number and a list of all pending court matters. Also included must be an acknowledgment that all attorneys of record on those pending matters have been notified of my new email address. I understand that it is my responsibility to keep my email address updated on my eFlex account profile.
- I understand that once my eFlex account is deactivated, I will no longer be able to electronically file any documents using my account, nor will I receive eFlex electronic service. Furthermore, I will no longer have access to court records through my eFlex account.
- Electronic signatures (e.g. /s/) are permissible on electronically filed documents submitted from the eFlex account. (See Nevada Electronic Filing and Conversion Rules, Rule 11).
- I will accept eFlex electronic notices sent to my email on file with eFlex as valid and effective service of eFiled documents replacing the need for paper service. Electronic service of documents is limited to documents permitted to be served by mail, express mail, overnight delivery, or facsimile transmission, petition to offer document that must be served with a summons, and summons or a subpoena that can be served electronically.
- I agree to the terms of the license agreement as stated by Tybera on the court's eFlex website under "Terms of Use" and "Privacy Policy" when registering for an eFlex account and pressing the submit button.
- I understand that email addresses supplied by the registered user via the username/password set through "eFlex Account" supersede the court's case management system for the purpose of delivering valid and effective service of eFiled documents. I understand that it is my responsibility to keep my email address updated on my eFlex account profile.
- I agree to file the proper motion to withdraw/notice of change/substitution of counsel/notice of termis employment (whatever applies) into each of my cases whenever I depart from an agency, office, or in or cease to represent a party in any case, or cease to be an eFlex user within 10 days of any such event. If known, I will designate the new attorney and/or e-File contact on each case. Further, I will separate the Clerk of Court of any employment change which will globally affect all or a majority of my cases.

Revised February 17, 2017

I acknowledge receipt, understanding and agree to follow the Nevada Electronic Filing and Conversion Rules (EFCR).

I understand if a party submits a proposed Order and the Order is eFiled by the Court, ONLY eFlex account holders will be served by the Court. I understand all other parties must be served by the party who submitted the proposed Order by other means.

I understand as a registered eFlex account holder, I will only have access to documents in court cases for which I am an active party or attorney of record. In the event that I inadvertently obtain access to unauthorized information on any case, I will immediately notify the Court Administrator/Clerk of Court, presiding judicial officer and all active attorneys on that specific case. I will take every precaution to safeguard myself and all members of my firm from viewing, downloading or disseminating any unauthorized information. I will delete and destroy immediately any unauthorized information that I inadvertently obtain.

I understand any violation of the terms of this agreement may result in sanctions imposed by the Court.

Attorney or Person Name: _____
If an attorney, Bar ID: _____ Law Firm: _____
If not an attorney, DOB: _____ Interpreter needed: Yes or No Language: _____
If not an attorney, Case number(s): _____
eFlex Email Address: _____
1st Alternate eFlex Email Address: _____
2nd Alternate eFlex Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Fax Number: _____
Designated eFlex contact person: _____

I hereby certify that I have read the above information and agree to abide by the requirements and terms as stated in this agreement.

Date: _____ Signature of Attorney/Person Agency Signatory: _____

To become a registered eFlex account holder, you must request an account online at <https://wcefex.washoecourts.com> and click on the "Request an Account" button. Next, print out this form, complete and sign, and deliver the ink-signed copy to the Second Judicial District Court Filing Office, 75 Court Street, Reno, NV 89501. Upon completion of your account request AND receipt of the signed eFile User Agreement, your electronic request for a user account will be approved. You will be notified by email and be able to login with your user name and requested password within three (3) working days.

Revised February 17, 2017

If you need further assistance signing up for an account, please call the Resource Center at 775-325-6731.

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INSTRUCTIONS: STEP 2

Complete the Family Court Information Sheet as Shown:

1) Print the name of your spouse.

2) Print your name.

4) Print your name and your spouse's name, social security number(s), and date(s) of birth. Print "do not have" if one or both of you do not have a social security number.

STOP HERE
There is no need to complete the rest of this form because your spouse and you have no minor children.

3) Print the Case No. and Department No. from the complaint you received.

1 IN THE FAMILY
2 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
3 IN AND FOR THE COUNTY OF WASHOE

4 Plaintiff/Petitioner,
5 vs.
6 Defendant/Respondent.

7

8 Name: _____ Name: _____
9 Social Security #: _____ Social Security #: _____
10 Date of Birth: _____ Date of Birth: _____

11 Residential Address: _____ Residential Address: _____

12 Mailing Address: _____ Mailing Address: _____

13 City, State, Zip: _____ City, State, Zip: _____

14 Telephone #: _____ Telephone #: _____

15 Are you employed? YES [] NO [] Are you employed? YES [] NO []
16 Name of Employer: _____ Name of Employer: _____

17 Business Address: _____ Business Address: _____

18 City, State, Zip: _____ City, State, Zip: _____

19 Telephone #: _____ Telephone #: _____

20 Driver's License #: _____ Driver's License #: _____

21 Date of Birth: _____ Date of Birth: _____

22 Ethnicity: [] White (Not Hispanic) Ethnicity: [] White (Not Hispanic)
[] African-American [] Hispanic [] African-American [] Hispanic
[] Asian or Pacific Islander [] Asian or Pacific Islander
[] Native American/Alaskan Native [] Other [] Native American/Alaskan Native [] Other

23 CHILDREN INVOLVED IN THIS CASE
24 Name: _____ SSN: _____ DOB: _____
25 Name: _____ SSN: _____ DOB: _____
26 Name: _____ SSN: _____ DOB: _____
27 Name: _____ SSN: _____ DOB: _____
28 If there are more than five children, list their names on a separate sheet of paper and attach.

Does this case involve family violence: [] Yes [] No
Are you requesting Child Support Enforcement Services from the District Attorney's Office (IV-D) Services? [] Yes [] No
Court Personnel Only: [] Custodial Parent [] Non-Custodial Parent

This document contains the social security number of a person as required by NRS 125.130, NRS 125.230, and NRS 125B.055.

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INSTRUCTIONS: STEP 3

Complete the Answer and Counterclaim as Shown:

1) Print your name, address, telephone number, and email.

2) Print the name of your spouse.

3) Print your name.

5) Complete pages 1-7, following the instructions on each page.

1 Code: 1137
2 Name: _____
3 Address: _____
4 Telephone: _____
5 Email: _____
6 Self-Represented Litigant

7 IN THE FA
8 OF THE SECOND JUDICIAL DISTRI
9 IN AND FOR THE COUNTY OF WASH
10 Case No. _____
11 Dept. No. _____
12 Plaintiff / Petitioner,
13 vs.
14 Defendant / Respondent.

15
16 ANSWER TO COMPLAINT FOR DIVORCE AND COUNTERCLAIM
17
18 ANSWER
19 Admit
20 List the paragraph(s) in the Complaint with which you agree.
21
22 A. I admit the allegations in Paragraph(s) _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 If more room is needed, attach additional sheets.

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4) Print the Case No. and Department No. from the complaint you received.

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INSTRUCTIONS: STEP 4

Complete the General Financial Disclosure Form as Shown:

1) Print your name, address, telephone number, and email.

2) Print your spouse's name.

3) Print your name.

4) Print the Case No. and Department No. from the complaint you received.

MISC
Name: _____
Address: _____
Phone: _____
Email: _____
Attorney for _____
Nevada State Bar No. _____

Second Judicial District Court
Washoe County, Nevada

Case No. _____
Dept. _____

Plaintiff, _____
vs. _____
Defendant. _____

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) _____
2. How old are you? _____ 3. What is your date of birth? _____
4. What is your highest level of education? _____

B. Employment Information:

1. Are you currently employed/ self-employed? (check one)
 No
 Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (check one)
 No
 Yes If yes, what is your level of disability? _____
What agency certified you disabled? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.
Prior Employer: _____ Date of Hire: _____ Date of Termination: _____
Reason for Leaving: _____

5) Answer all of the questions on each page of the document.

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INSTRUCTIONS: STEP 5

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wceflex.washoecourts.com/>, in the Law Library and Resource Center.

If you have not done so, you will need to sign up for an eFlex account and turn in the EFile User Agreement (*see INSTRUCTIONS: STEP 1*), to the Second Judicial District Court, or email to eflexsupport@washoecourts.us.

Sign into your eFlex account using the username and password you created and electronically file the:

- Family Court Information Sheet;
- Answer and Counterclaim and any exhibits; and
- General Financial Disclosure form.

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available at the Law Library and Resource Center.

There may be a filing fee charged when documents are filed. Fee information is available at the Resource Center and online at: www.washoecourts.com.

FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file the application found in the **Application for Waiver of Fees and Costs packet**, which may be obtained at the following locations:

- Resource Center, 1 South Sierra Street, Reno, NV, Third Floor
- Law Library, 75 Court Street, Reno, NV, First Floor
- Online at: www.washoecourts.com (select the “Forms & Packets” tab on the top right hand side of the home screen)

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INSTRUCTIONS: STEP 6

Setting a Case Management Conference

You must have a case management conference. If one was not set by your spouse when filing the complaint, you need to set one by filling out and filing the **F-1 Notice to Set** packet. The notice to set packet can be found at the Resource Center, Law Library, or on our website at www.washoecourts.com, under the Forms and Packets tab.

INSTRUCTIONS: STEP 7

Serving the Documents

Once a document has been electronically filed, a Notice of Electronic Filing will be automatically generated and sent to any electronic filers in the case. All electronic filers have agreed to accept the notice as valid and effective service. This replaces the need for paper service.

If the other party has not yet signed up for electronic filing, or you do not know whether the other party is an electronic filer, please contact the Resource Center. **Additional steps are required to complete service if the other party is not an electronic filer.**

The Notice of Electronic Filing does not replace the Proof of Service (*see* INSTRUCTIONS: STEP 8).

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INSTRUCTIONS: STEP 8

Complete the Proof of Service as Shown:

This form must be completed by the person who serves the documents.

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No. and Department No. just as they appear in all other documents in this case.

3) Print the name of the person served, and the date served.

4) Mark the box for how they were served. If serving by personal service, certified mail, or postage prepaid, write the address of where service was made.

5) The person who serves the document(s) must date, sign, and print their name.

1	Code: 3720
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	IN THE FAMILY DIVISION
8	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	Plaintiff / Petitioner / Joint Petitioner, Case No. _____
11	vs. Dept. No. _____
12	Defendant / Respondent / Joint Petitioner, _____
13	<u>PROOF OF SERVICE</u>
14	I served a true and correct copy of ANSWER AND COUNTERCLAIM, GENERAL
15	FINANCIAL DISCLOSURE FORM, and FAMILY COURT INFORMATION SHEET upon the
16	following people:
17	1. Name: _____ Date: _____
18	By: <input type="checkbox"/> Service by eFlex <input type="checkbox"/> Personal Service
19	<input type="checkbox"/> Certified mail, return receipt attached <input type="checkbox"/> U.S. Mail, postage prepaid
20	<input type="checkbox"/> Other: _____
21	Address where service occurred, if applicable: _____
22	If more room is needed, attach additional sheets.
23	A copy of this Proof of Service has been electronically served, mailed, or personally delivered
24	to all parties or their lawyer.
25	This document does not contain the personal information of any person as defined by
26	NRS 603A.040.
27	Date: _____ Your Signature: _____
28	Print Your Name: _____
	REV 9/2018 JCB 1 AC1 PROOF OF SERVICE

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INSTRUCTIONS: STEP 9

Filing the Proof of Service

After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 6. There will not be a filing fee for the proof of service.

Without proof of service on the other party, the court cannot consider your answer.

INSTRUCTIONS: STEP 10

Time to Respond

Your spouse has 21 days to respond, starting the day after being served. If you served your spouse by mail, your spouse has 24 days to respond.

Your documents are not filed until any filing fees are paid.

If your spouse does not respond within that time period, you may move for default on the counterclaim. A default packet is available at the Resource Center, Law Library, or online at www.washoecourts.com.

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SOME DEFINITIONS OF TERMS USED IN THE PETITION FOR DIVORCE

The following definitions and explanations are only to be used as general guidance.

The definitions provided do not explain the entire legal meaning or importance of the terms. A private attorney, licensed to practice in the State of Nevada, or a representative of one of the local legal resource agencies can provide you with a full explanation of the terms.

Alimony: Money that either spouse, by court order, pays to the other person for support either while they are separated or after they are divorced.

Community

Debts: Usually, any amount owed by either spouse, or both of them that was contracted or came due during the marriage. It often does not matter if the debt is in one or both names.

Community

Property: Usually anything acquired by either spouse, or both of them, during marriage. It often does not matter if the property is owned in one or both names.

Residency: Nevada law requires that a divorce case be granted only if one of the spouses, or both of them, was physically present in the State of Nevada for at least six weeks immediately before the Joint Petition for Divorce is filed with the court. An additional requirement is that one spouse, has been in Nevada for six weeks and must intent to continue to live in Nevada for the foreseeable future.

Resident

Witness: Any adult resident of the State of Nevada, other than one of the spouses, who knows and can swear that either spouse was physically present in the State of Nevada for at least six weeks immediately before the Joint Petition for Divorce is filed with the court.

Request for

Submission: No paper filed with the court is seen by the judge until a request for submission is filed with the court.

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Legal Assistance

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. **The Resource Center cannot give legal advice** but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

For information contact the Law Library at 775-328-3250.

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

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509
(775) 284-3491 – leave message if
necessary

<http://www.nlslaw.net>

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501
(775) 329-2727 – leave message if
necessary

<http://www.washoelegalservices.org>