

# INSTRUCTIONS FOR FILLING OUT THE ANSWER AND COUNTERCLAIM FOR COMPLAINT FOR MODIFICATION CASE

**NOTE: THE MAJORITY OF THE INFORMATION REQUIRED ON THIS DOCUMENT CAN BE FOUND ON THE COMPLAINT FOR MODIFICATION OF CHILD SUPPORT OR PARENTING PLAN THAT YOU WERE SERVED WITH.**

## **HEADING:**

- Enter the name of the county where you are filing this Answer and Counterclaim.
- Enter the first, middle and last names of the plaintiff (the other party's name).
- Enter the first, middle and last names of the defendant (your name).
- Enter the case number that was assigned in the original action. You must include the case number on any papers you file. It is found on the copy of the Complaint that you received.

The numbers below give instructions for completing the paragraphs with the same numbers in the Answer and Counterclaim.

## **BODY OF ANSWER:**

Enter your full name in the first paragraph. This paragraph does not have a number. Check the box indicating if you were the plaintiff or the defendant in the original action and check the box if the Complaint for Modification that you were given was for the modification of child support or parenting plan.

Paragraph 1. Enter the paragraph numbers, separated by commas, from the Complaint for Modification with which you agree and check the box for what type of modification this is.

Paragraph 2. Enter the paragraph numbers, separated by commas, from the Complaint for Modification with which you disagree and check the box for what type of modification this is.

## **BODY OF COUNTERCLAIM:**

Enter your full name and check the box indicating if you were the plaintiff or the defendant in the original action.

The numbers below give instructions for completing the paragraphs with the same numbers in the Answer and Counterclaim.

Paragraph 1. Enter your address. NOTE: If your address is confidential under Nebraska or Federal law, enter only the county and state on this line and provide an alternative address for mailing of notices)

Paragraph 2. Enter the other party's address.

Paragraph 5. Enter the name and year of birth for each child those custody and welfare will be affected by this proceeding.

Paragraph 6. Check the appropriate box.

Paragraph 7. (a) Enter the Names, dates and addresses of person(s) that the child(ren) have lived with in the last 5 years.

(b) Check the appropriate box. IF you HAVE been a party or a witness in another proceeding concerning the custody or parenting time with the child(ren), enter the name of the court, the case number and the date of the determination.

(c) Check the appropriate box. IF you DO know of any other actions or proceedings that could affect this action, enter the name of the court, the case number and the type of case and determination. (This includes actions about domestic violence, protection orders, termination or parental rights and adoptions)

(d) Check the appropriate box. IF you DO know of any of any other person besides the other party in this action who have physical custody of the child(ren) or claim to have custody or parenting time rights, enter their names and addresses.

Paragraph 8. Enter either "I am" or "The other party is" to complete the statement.

Paragraph 10. Check the appropriate box. IF there ARE existing restraining orders, protection orders, or criminal no-contact orders regarding one or more of the parties, provide the type of case, the name of the court, case number and date of each.

Paragraph 11. Check the appropriate box for each statement.

Paragraph 12. Enter the date of the most recent decree or order that included the current parenting plan in the first blank. Check the box next to what type of decree or order included the current parenting plan.

Paragraph 14. Describe what material change in circumstances has occurred since the date the decree or order was entered.

#### CLOSING PARAGRAPH:

Paragraph A. Check the box that reflects the custody status to which you and the child(ren)'s other parent have agreed. If either the first box or the second box is checked, enter the name of the parent that will have sole physical custody of the child(ren).

#### **SIGNATURE BLOCK:**

DO NOT SIGN THIS ANSWER AND COUNTERCLAIM UNTIL YOU ARE PRESENT IN FRONT OF A NOTARY.

Enter the date that you are signing this Answer and Counterclaim.

Enter your first, middle and last name.

Enter your street address/P.O. Box.

Enter your City, State and ZIP Code.

Enter your e-mail address.

Enter your phone number.

#### **NOTARY VERIFICATION STATEMENT:**

Enter the name of the county that the document is being signed in.

Enter your first, middle and last names.

**STOP - DO NOT SIGN UNTIL YOU ARE PRESENT IN FRONT OF A NOTARY.**

The Notary will then complete the remainder.