

## **INSTRUCTIONS FOR FILLING OUT ANSWER AND COUNTERCLAIM FOR DISSOLUTION OF MARRIAGE (Children)**

### **HEADING**

- Enter the name of the county where your spouse filed the Complaint.
- Enter your spouse's first, middle, and last names. Your spouse is the plaintiff.
- Enter your first, middle, and last names. You are the defendant.
- The Clerk of the District Court gave your spouse a case number when the Complaint was filed. You must include the case number on any papers you file.

### **BODY OF ANSWER**

Enter your full name in the first paragraph. This paragraph does not have a number.

The numbers below give instructions for completing the paragraphs with the same numbers in the Answer to Complaint for Dissolution of Marriage.

Paragraph 1. Enter the paragraph numbers, separated by commas, from the Complaint that are correct.

Paragraph 2. Enter the paragraph numbers, separated by commas, from the Complaint that are incorrect.

### **BODY OF COUNTERCLAIM**

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

Enter your full name in the first paragraph. This paragraph does not have a number.

Paragraph 1. Enter your complete address, including street number, city, county, and state. If you do not want your spouse to know your exact address because you are concerned about your safety, you can put only the county and state where you are living.

Paragraph 2. Enter your spouse's complete address, including street number, city, county, and state.

Paragraph 4. Enter the name of the county where your spouse filed this divorce action. Either you or your spouse must be living in this county at the time of filing the Complaint.

Paragraph 5. Enter the date you were married and the city and state where you were married.

Paragraph 9. Enter the number of child(ren) born to you and your spouse. Then enter the first, middle, and last names of each child and each child's year of birth.

Paragraph 10. If you are requesting custody of the child(ren), enter “I am.” If you are requesting your spouse be awarded custody, enter “my spouse is.”

- Paragraph 11. (a) To complete this paragraph, you must give information about the child(ren)’s living situation for the last 5 (five) years. For *each* location where the child(ren) lived, enter: (1) the dates the child(ren) lived at that location; (2) the address, including street, city, and state, where the child(ren) lived, and (3) the names and *current* addresses of the persons with whom the child(ren) lived.
- (b) To complete this paragraph, you must check the box that applies. If you have not participated in any other court proceedings in this state or any other state concerning custody of or visitation with the child(ren), check the first box. If you have participated in any other court proceedings in this state or any other state concerning custody of or visitation with the child(ren), check the second box and enter the name of the court (for example, District Court of Douglas County, or Lancaster County Juvenile Court), the case number, and the date that any custody determination was made.
- (c) To complete this paragraph, you must check the box that applies. If you are not aware of any court proceedings that could affect this divorce, check the first box. If you know of any other court proceedings in this state or any other state (such as lawsuits about domestic violence, protection orders, termination of parental rights, and adoptions) that could affect this divorce, check the second box and enter the name of the court (for example, District Court of Douglas County, or Lancaster County Juvenile Court), the case number, and the date that any custody determination was made.
- (d) To complete this paragraph, you must check the box that applies. If you do not know the names of any persons other than you or your spouse who have physical custody of the child(ren) or claim to have custody or visitation rights with the child(ren), check the first box. If you know the names of persons other than you or your spouse who have physical custody of the child(ren) or claim to have custody or visitation rights with the child(ren) enter the name and address of each person.

Paragraph 12. If you are requesting custody of the child(ren), enter “my spouse is.” If you are requesting your spouse be awarded custody, enter “I am.”

Paragraph 15. If you are requesting that your former name be restored, enter the first, middle, and last names you would like to use. If you are not requesting that your former name be restored to you, cross out this paragraph.

Paragraph 17. To complete this paragraph, you must check the box that applies. If there are no existing restraining, protection, or criminal no-contact orders, check the first box. If there are any such orders, check the second box and supply the required information. In (a), check the blank beside the type of order in existence. If more than one order is in existence, check all blanks that apply. In (b), provide the name of the court (i.e., Lancaster County District Court), the case number, and the date the order was entered for each order in existence.

Paragraph 18. If a Parenting Plan has already been developed, place a checkmark on the line

before the word “has.” If a Parenting Plan has not already been developed, place a checkmark on the line before the words “has not.”

## **CLOSING PARAGRAPH**

The letters below give instructions for completing the paragraphs with the same letters on the Counterclaim for Dissolution of Marriage.

- Paragraph C. If you are requesting custody, enter “me.” If you are requesting that your spouse be awarded custody, enter “my spouse.”
- Paragraph D. If you are requesting custody, enter “my spouse.” If you are requesting that your spouse be awarded custody, enter “me.”
- Paragraph F. If you are requesting that your former name be restored, enter the complete former name to be restored including first, middle, and last names. If you are not requesting that your former name be restored to you, cross out this paragraph.

## **FINAL SIGNATURE**

- On the first line, sign your first, middle, and last names and enter the date.
- On the second line, enter your first, middle, and last names.
- On the third line, enter your full street address.
- On the fourth line, enter your city, state, and ZIP code.
- On the fifth line, enter your telephone number, including the area code, and e-mail address, if any.

## **VERIFICATION**

*This form must be signed and sworn to in the presence of a Notary Public.*

- In the blank following “County of” enter the name of the county where you are signing this Answer and Counterclaim for Dissolution of Marriage.
- In the blank following “I” print your first, middle, and last names.
- In the presence of a Notary Public, sign your name and swear under oath that everything in the Answer and Counterclaim for Dissolution of Marriage is a true statement. ***DO NOT SIGN THE ANSWER AND COUNTERCLAIM UNTIL YOU ARE BEFORE A NOTARY PUBLIC.***

## **CERTIFICATE OF SERVICE**

- In the first, second and third blanks, print the day, month, and year when you mailed the copy of the Answer and Counterclaim for Dissolution of Marriage to your spouse.

- In the fourth blank, put your spouse's full address, including the street address, city, state and ZIP code.
- Sign your name in the last blank.