

INSTRUCTIONS FOR COMPLETING 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 PARENTING PLAN THAT YOU WERE SERVED WITH.

If you are printing the Answer and handwriting the answers, you will check the first box. If you are typing in your answers, you will check the second box.

- Printing the form and handwriting the answers.
- Completing the form electronically.

HEADING:

- a. Choose the county in the drop down box below the first blank. This is where the original action was filed.
- b. Enter the first, middle and last names of the plaintiff in the original action.
- c. Enter the first, middle and last names of the defendant(s) in the original action.
- d. Enter the case number that was assigned to the original action.

IN THE DISTRICT COURT OF COUNTY, NEBRASKA

Plaintiff, Case No.

vs.

Defendant.

ANSWER AND COUNTERCLAIM TO COMPLAINT FOR MODIFICATION

ANSWER:

This paragraph does not have a number.

- a. Enter your full name in the first paragraph.
- b. Check the box indicating if you were the plaintiff or the defendant in the original action

I, , the plaintiff defendant in the

Paragraph 1. Enter the paragraph numbers, separated by commas, from the Complaint for Modification with which you agree .

1. Admits Paragraph(s) of the Complaint.

Paragraph 2. Enter the paragraph numbers, separated by commas, from the Complaint for Modification with which you disagree.

2. Denies Paragraph(s) of the Complaint.

COUNTERCLAIM:

This paragraph does not have a number.

- c. Enter your full name in the first paragraph.
- d. Check the box indicating if you were the plaintiff or the defendant in the original action

I, , the plaintiff defendant in the

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)

1. I live at _____
(your street address: if confidential under Nebraska or Federal law, enter county and state only and provide an alternative address for mailing of notice)
in _____
(city, county, and state where you live)

Paragraph 2. Enter the other party's address.

2. The other party's address is _____
(other party's street address)
in _____
(city, county and state where other party lives)

Paragraph 5. Enter the name(s) and year(s) of birth for the child(ren) whose custody and welfare will be affected by this proceeding.

5. I am the biological parent of the following child(ren) whose custody and welfare will be affected by this proceeding. Their name(s) and year(s) of birth are:

(name of child) (child's year of birth)

Paragraph 6. Check the appropriate box.

6. I am Both parents are fit and proper person(s) to have the

Paragraph 7. (a). Enter the names, dates, and address(es) of person(s) that the child(ren) has/have lived with in the last 5 years.

(a) For the last five years, the child(ren)'s addresses and the persons they have lived with are:
First line: DATES: ADDRESS:
Second line: NAME and CURRENT ADDRESS OF PERSON(S)
WITH WHOM THE CHILDREN HAVE LIVED:

(b). Check the appropriate box.

i. 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.

(b) Check the box that applies:
 I have not been a party or a witness in any other proceeding concerning the custody of or parenting time with the child(ren).
OR
 I have been a party or a witness in another proceeding concerning the custody of or parenting time with the child(ren), as follows:
i. _____
(name of court)

(case number)

(date of determination, if any)

(c). Check the appropriate box.

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

(c) Check the box that applies:

I know of no other actions or proceedings that could affect this action. This includes actions or proceedings about domestic violence, protection orders, termination of parental rights, and adoptions.

OR

There is currently a proceeding which could affect this action.

i. {

(name of court)

(case number)

(date of determination, if any)

(d). Check the appropriate box.

i. IF you DO know of any of any other person besides the other party in this action who has physical custody of the child(ren) or claims to have custody or parenting time rights, enter their name(s) and address(es).

(d) Check the box that applies:

I do not know the names and addresses of any person(s) other than the other party and myself who have physical custody of the child(ren) or claim to have custody or parenting time rights with the child(ren).

OR

The following is a list of the names and addresses of persons other than the other party and myself who have physical custody of the child(ren) or claim to have custody or parenting time rights with the child(ren).

i. NAME: ADDRESS:

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

8. [] able to provide support for the child(ren).
("I am" or "The other party is")

Paragraph 9. Check the appropriate box.

i. 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.

9. Check the box that applies:

There are no existing restraining orders, protection orders, or criminal no-contact orders regarding either party.

OR

There are one or more existing restraining orders, protection orders, or criminal no-contact orders regarding one or more of the parties. Details are as follows:

i. {

(a) Type of order: restraining; protection; criminal no-contact.

(b) Name of court, case number, and date of order for each order:

(name of court, case number and date of each order)

Paragraph 10. Check the appropriate box.

10. A modified Parenting Plan has has not been developed.

Paragraph 11. Check the appropriate box for each statement.

11. Child custody is is not contested.
Parenting time is is not contested.
Child support is is not contested.

Paragraph 12. a. Enter the date of the most recent decree or order that included the current parenting plan.

b. Check the box next to what type of decree or order included the current parenting plan.

12. On this court entered a decree of dissolution, (date of the most recent decree or order that included a parenting plan) order of modification OR order establishing paternity, a parenting

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

14. There has been a material change in circumstances since the date the decree or order was entered. Specifically, the following change(s) has (have) occurred:

CLOSING PARAGRAPH:

Paragraph A. Check the box that reflects the custody status to which you and the child(ren)'s other parent have agreed.

i. 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).

A. If the party that filed the Complaint for Modification is requesting a modification of custody, check the box that applies:
 Award sole legal and sole physical custody of the child(ren). (name of party)
 Award plaintiff and defendant joint legal custody of the child(ren) and award sole physical custody of the child(ren) to .
(name of party)
 Award plaintiff and defendant joint legal and joint physical custody of the child(ren).

SIGNATURE BLOCK:

FINAL SIGNATURE

DO NOT SIGN THIS FORM UNTIL YOU ARE IN THE PRESENCE OF A NOTARY.

- a. Wait to sign your name until it can be notarized.
- b. Enter the date
- c. Print your first, middle, and last names.
- d. Enter your mailing address.
- e. Enter the city, state, and ZIP code of your mailing address.
- f. Enter your email address, if any.
- g. Enter your telephone number, including the area code.

The form contains the following fields with callout boxes:

- a.** Signature: _____
- b.** Date: _____
- c.** Printed Name: _____
- d.** Street Address/P.O. Box: _____
- e.** City/State/ZIP Code: _____
- f.** Telephone Number: _____
- g.** Email address: _____

- h. Carefully read the statement.
 - i. Check the box if you do not have the ability to receive emails.
 - ii. You must give the reason you don't have the ability to receive emails on the line provided.

i. *[Nebraska Supreme Court Rule § 2-208](#) requires individuals who are not attorneys and representing themselves to provide their email address. The court will use the email address to send notices from the court about this case **except** for items that require another type of service as directed by statute or Nebraska Supreme Court Rule.

If you no longer have email capability or if your email or other contact information changes, you must complete a [Change of Contact Information Form](#).

ii. By checking this box, I am letting the court know that I do not have the ability to receive emails. The reason I cannot receive email is: _____

VERIFICATION

This form must be signed and sworn to in the presence of a notary public. You must bring a photo identification for the notary to verify your identity.

CERTIFICATE OF SERVICE

- a. Print the date when you mailed the copy of the Answer and Counterclaim for Modification of Parenting Plan to the other party.
- b. Enter the other party's full address, including the street address, city, state and ZIP code.
- c. Sign your name.

CERTIFICATE OF SERVICE

a. I hereby certify that on _____, a true copy of the
(date)
foregoing Answer and Counterclaim to Modification of Parenting Plan was sent
by first-class mail, postage prepaid, to the other party at _____
(other party's address, including street address, city, state, and ZIP code)

_____ b.
(your name) c.