

**ANSWER TO COMPLAINT FOR DIVORCE**  
**(NO COUNTERCLAIM)**

**EXPLANATION OF ANSWER TO COMPLAINT FOR DIVORCE**

An Answer is a document that you may use if you want to respond to a Complaint for Divorce. It tells the Court what parts of the Complaint you agree with and what parts of the Complaint that you do not agree with. You have 20 days from the date the Complaint was served to file and serve your Answer or another type of document that you believe may be appropriate under the Nevada Rules of Civil Procedure. If you do not file and serve the Answer or other appropriate document within 20 days, a default may be taken against you. If this happens, the Plaintiff may get everything he/she asked for in the Complaint.

NOTE: If you believe that the Court does not have jurisdiction, you should see a lawyer. The rules about jurisdiction are very complicated and you could lose valuable rights if you file the wrong document.

**YOU CAN USE THIS ANSWER TO COMPLAINT FOR DIVORCE IF:**

- # You are not going to contest the jurisdiction of the Court to hear your case.
  
- # You are not going to file a counterclaim. A counterclaim is a lawsuit that you file against the Plaintiff.

**INSTRUCTIONS FOR ANSWER TO COMPLAINT FOR DIVORCE**  
**(NO COUNTERCLAIM)**

**\* \* \* IMPORTANT DISCLOSURE \* \* \***

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. CLARK COUNTY, THE EIGHTH JUDICIAL DISTRICT COURT, THE SELF-HELP CENTER AND THEIR EMPLOYEES SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

MANY FAMILY LAW MATTERS INVOLVE COMPLEX AND VALUABLE LEGAL RIGHTS. THESE FORMS AND INSTRUCTIONS ARE BASIC, GENERAL FORMS, AND MAY NOT FIT ALL SITUATIONS. SOME RIGHTS CANNOT BE ADEQUATELY PROTECTED WITHOUT THE ASSISTANCE OF AN ATTORNEY. YOU SHOULD CONSULT WITH AN ATTORNEY BEFORE YOU ATTEMPT TO USE SELF-HELP.

ALSO, IF YOU, THE OTHER PARTY, OR YOUR CHILDREN HAVE TIES TO A STATE OTHER THAN NEVADA (I.E., YOU RECENTLY MOVED HERE, YOU HAVE ORDERS FROM ANOTHER STATE, ETC.) YOU SHOULD CONSULT AN ATTORNEY BEFORE FILING ANY DOCUMENTS BECAUSE THE COURT MAY NOT HAVE JURISDICTION OVER YOU. HOWEVER, ONCE YOU FILE CERTAIN DOCUMENTS, THE COURT WILL HAVE JURISDICTION AND YOU WILL NOT BE ABLE TO CHANGE THAT.

\* \* \* \* \*

**I. EXPLANATION OF ANSWER TO COMPLAINT FOR DIVORCE**

- A. An Answer is a document that you may use if you want to respond to a Complaint for Divorce. It tells the Court what parts of the Complaint you agree with and what parts of the Complaint that you do not agree with. You have 20 days from the date the Complaint was served to file and serve your Answer or another type of document that you believe may be appropriate under the Nevada Rules of Civil Procedure. If you do not file and serve

the Answer or other appropriate document within 20 days, a default may be taken against you. If this happens, the Plaintiff may get everything he/she asked for in the Complaint.

1. If you believe that the Court does not have jurisdiction, you should see a lawyer. The rules about jurisdiction are very complicated and you could lose valuable rights if you file the wrong document.

B. You can use this Answer to Complaint for Divorce if:

- You are not going to contest the jurisdiction of the Court to hear your case;
- You are not going to file a counterclaim. A counterclaim is a lawsuit that you file against the Plaintiff.

C. This package should contain the following documents:

- Joint Preliminary Injunction;
- Instructions for Answer to Complaint for Divorce;
- Answer to Complaint for Divorce;
- List of filing fees from the Clerk's Office;
- Two Divorce Education Seminar brochures;
- Handout: "Procedure Guidelines for Mandatory Mediation-N.R.S. 3.475";
- FMC Request and Order for Mediation-N.R.S. 3.475 form;
- Private Mediator Exemption form;
- Certificate of Mailing;
- List of telephone numbers for the judges' staffs and Court Clerks;
- Handout: "Common Custody Terms";
- Handout: "Some Definitions and Explanations of Terms Used in Family Cases with Children";

- Information about classes taught by UNLV law students;
- Customer survey
- Affirmation

## II. STEP 1: PREPARE YOUR PAPERWORK

**NOTE: WHEN FILLING OUT ANY FORM, YOU MUST USE BLACK INK. PRINT CLEARLY. THE CLERK'S OFFICE WILL NOT FILE YOUR DOCUMENT IF THE HANDWRITING IS HARD TO READ.**

### A. THE CAPTION:

1. The "caption" is the portion of your document which assists the Court in identifying your particular case. It is the part of the page that has the word "Plaintiff" under a line and the word "Defendant" under another line. Generally, this caption will remain the same throughout the entire case and will be on every document filed in this action. If you are filing an Answer to Complaint for Divorce, you will be the Defendant, and you will be the Defendant for the entire case, even if you file a motion or some other document. In this package, the caption is on the: (a) Answer to Complaint for Divorce, (b) Joint Preliminary Injunction, (c) FMC Request and Order for Mediation-NRS 3.475, (d) Private Mediator Exemption form, (e) Affirmation, and (f) Certificate of Mailing.

### B. THE ANSWER TO COMPLAINT FOR DIVORCE:

1. Insert your name, address and phone number on the first page, upper left-hand corner. Insert your spouse's name on the line over the word "Plaintiff" in the caption. Insert your name on the line over the word "Defendant" in the caption.
2. Insert the case number on the line after the words "CASE NO." on your documents. You can find the case number by looking at other documents that have been filed in your case. The case number will start with a "D".
3. Insert the department letter on the line after the words "DEPT. NO." You can find the department letter by looking at other documents that have been

filed in your case.

4. The Answer uses a fill-in-the-blank format. The form will tell you what information you need to put into the blank. If the Answer tells you to check an item, check the box next to the item that applies (i.e., check the box next to either "him" or "her" if the Answer has "him/her").
5. The Answer must be "verified." In other words, you will need to sign the Answer in front of a Notary Public. The Self-Help Center has a Notary available. The Answer will also have to be "acknowledged" by the Notary. The Notary will know what to do. **Do not make any copies until the document is notarized.**

C. THE JOINT PRELIMINARY INJUNCTION:

**NOTE: IF PLAINTIFF HAS ALREADY FILED A JOINT PRELIMINARY INJUNCTION, YOU DO NOT NEED TO FILE ANOTHER ONE BECAUSE BOTH PARTIES HAVE TO OBEY IT.**

1. In general, a Joint Preliminary Injunction keeps both you and the Plaintiff from doing certain things, such as selling community property (items or land/houses that either party bought during the marriage), harassing each other, or taking children out of Nevada with the intention of keeping them from the Court's jurisdiction. You do not have to file a Joint Preliminary Injunction. Whether or not you believe this document is necessary in your case is a decision that you will have to make.
2. Insert your name, address and telephone number into the upper-left corner of the first page.
3. Insert your spouse's name in the blank space above the word "Plaintiff(s)" in the caption. Insert your name in the blank space above the word "Defendant(s)" in the caption.
4. Insert the case number the case number after the words "CASE NO." and the department letter after the words "DEPT NO." You can find the case number and department letter by looking at other documents that have been filed in your case.
5. On page 2, sign your name under the words "Submitted By:" Cross out "Attorney for" and insert

"In Proper Person".

6. The Court Clerk will complete the rest of page 2 when you file your Answer. (See Section III, below.)
7. The third party will either complete page 3 or will complete a similar form that will show the Court how the Plaintiff was given that document. The Joint Preliminary Injunction will have to be notarized. The Self-Help Center has a Notary available. **Do not make any copies until the document is notarized.**

D. THE FMC REQUEST AND ORDER FOR MEDIATION-NRS 3.474 FORM AND THE PRIVATE MEDIATOR EXEMPTION FORM:

1. By local court rule, if you and the Plaintiff have child(ren) together and you are not going to agree on everything about the child(ren), both of you must attend mediation. You can either use the Court's agency (the "Family Mediation Center," also known as "FMC") or go to a private mediator.

NOTE: You will use only one of the two forms provided in this package. Fill out only the form that applies to your situation.

2. If you use the Family Mediation Center's services, you will need to complete the "FMC Request and Order for Mediation-NRS 3.475" form.
  - a. Insert your spouse's name in the blank space above the word "Plaintiff" in the caption. Insert your name in the blank space above the word "Defendant" in the caption.
  - b. Insert the case number on the line after the words "CASE NO." on your documents. You can find the case number by looking at other documents that have been filed in your case.
  - c. Insert the department letter on the line after the words "DEPT. NO." You can find the department letter by looking at other documents that have been filed in your case.
  - d. The FMC Request and Order form uses a fill-in-the-blank format. The form will tell you what information you need to put into the blank.

- e. Sign your name on the line above the words "Signature of Individual..." on the bottom left side of the page. Leave the lines for an attorney's signature blank.
  - f. Leave the date and judge's signature lines blank. They will be filled in by the Court at a later time.
3. If you use a private mediator, you will need to complete the "Private Mediator Exemption" form.
- a. Insert your spouse's name in the line above the word "Plaintiff" in the caption. Insert your name in the line above the word "Defendant" in the caption.
  - b. Insert the case number on the line after the words "CASE NO." on your documents. You can find the case number by looking at other documents that have been filed in your case.
  - c. Insert the department letter on the line after the words "DEPT. NO." You can find the department letter by looking at other documents that have been filed in your case.
  - d. The Private Mediator Exemption form uses a fill-in-the-blank format. The form will tell you what information you need to put into the blank.
  - e. Sign your name on the line above the words "Signature of Person..." on the bottom left side of the page. Leave the lines for an attorney's information blank.

E. THE CERTIFICATE OF MAILING:

**NOTE: COMPLETE THIS FORM AFTER THE ANSWER HAS BEEN SERVED. PART OF THIS DOCUMENT WILL HAVE TO BE COMPLETED BY SOMEONE ELSE. (PLEASE SEE THIS SECTION AND SECTION IV, BELOW.)**

- 1. The Certificate of Mailing is a document to show that Court that the other party received a copy of the document you have just filed. Someone who is not related to you by blood or marriage, and who is over 18 years old, will need to complete part of this document. This other person is called a

“third party”. (See Section IV, below.)

2. Insert your name, address, and phone number on the first page, upper left-hand corner.
3. Insert your spouse's name on the line above the word “Plaintiff” in the caption and your name on the line above the word “Defendant” in the caption.
4. Insert the case number on the line after the words “CASE NO.” on your documents. You can find the case number by looking at other documents that have been filed in your case.
5. Insert the department letter on the line after the words “DEPT. NO.” You can find the department letter by looking at other documents that have been filed in your case.
6. The Certificate of Mailing uses a fill-in-the-blank format and will tell you what information you need to put into the blank.
  - a. The third party will need to fill in the date that he/she mailed the documents to the other side.
  - b. The third party will need to sign the Certificate of Mailing before a Notary Public. The Self-Help Center has a Notary available. **Do not make any copies until the document is notarized.**

F. THE AFFIRMATION:

**NOTE: You will need to file an Affirmation each time you file documents. You may want to make a few copies of the form before completing it.**

1. Beginning January 1, 2007, most documents should not contain parties' Social Security Numbers. If certain documents are required to have this information, the Clerk's Office and/or the Court must take steps to ensure that the information is kept in a confidential manner. The Affirmation lets the Clerk's Office and the Court know whether the documents you file contain Social Security Numbers.
2. Insert your name, address, and phone number on the



first page, upper left-hand corner. The form uses a "fill-in-the-blank" format. Write the information requested on each line in the caption.

3. If you or the other party has already filed paperwork, fill in the "Case No." and "Dept. No." lines to the right of the caption. You can find this information by looking at other documents that have been filed in the in the case, leave the lines blank. The Clerk's Office will give you a case number and department number when you file the paperwork.
4. Check the boxes next to the documents you are filing. If you are filing document that is not listed, check the "other" box and state the name of the document on the line next to the box.
5. Sign and date the form.

**III. STEP 2: FILE THE ANSWER TO COMPLAINT FOR DIVORCE AND THE MEDIATION FORM (IF NECESSARY) AND ASK THE COURT CLERK TO ISSUE THE JOINT PRELIMINARY INJUNCTION (IF YOU WANT A JOINT PRELIMINARY INJUNCTION)**

- A. Make three copies of the Answer to Complaint for Divorce and three copies of the mediation form that you have completed. You will need to make one copy of the Joint Preliminary Injunction (if used) and one copy of the Affirmation.
- B. You need to use a two-hole punch on the top of the original Answer to Complaint for Divorce, Affirmation and the original mediation form. You will also stamp or write "original" between the two holes on these documents. The Self-Help Center has a two-hole punch and a stamp that you can use.
- C. Take the Answer, the mediation form that you have completed, the Joint Preliminary Injunction (if you choose to use it), the Affirmation, and money to pay the filing fee with you to the Clerk's Office (located on the first floor of the courthouse). The list of filing fees for the Clerk's Office is included in this package or you can call the Clerk's Office at 455-2590. The Clerk's Office will take cash, money orders, cashier's checks, and personal checks if you have a valid Nevada Driver's License.
- D. Go to the filing counter at the Clerk's Office. The

Clerk will file the original Answer to Complaint for Divorce and Affirmation. The Clerk will stamp your copies of the Answer and give them back to you. These are called "file-stamped" copies. If you choose to use the Family Mediation Center's services, the Clerk will deliver the original mediation form to the Court for the judge's signature. If you choose to use a private mediator, the Clerk will keep the original mediation form and return the file-stamped copies to you. The Clerk will also fill out the Clerk's section of the Joint Preliminary Injunction, put a different type of stamp on it, and return the original and the copy to you.

**IV. STEP 3: SERVE THE ANSWER AND THE JOINT PRELIMINARY INJUNCTION ON THE PLAINTIFF**

- A. In general, you must give the other party a copy of any document that you file with the Court. If that party is represented by an attorney, you must give the documents to the attorney instead of the other party. The way of giving the documents to the other party (or the attorney) is called "service of process" or "service." For this packet, you must serve the: (1) Answer to Complaint for Divorce and (2) Joint Preliminary Injunction (if used).
1. Any document that is "served" must be delivered by someone who is not related to you by blood or marriage and who is over 18 years old. This person is called a "third party". Any third party can serve the documents. However, there are businesses that specialize in serving documents. You can find these businesses by looking in the Yellow Pages under "Process Servers".
- B. There are several ways of serving the Answer and Joint Preliminary Injunction on the other party. However, the most common method is by mailing the documents to the Plaintiff or if Plaintiff is represented by an attorney, by mailing them to the attorney. The third party must mail the documents in first-class mail, and he/she needs to make sure there is enough postage on the envelope.
- C. After the third party has served the Answer and Joint Preliminary Injunction (if used), he/she should complete their portion of the Certificate of Mailing and Joint Preliminary Injunction (if necessary) to indicate how the documents were served.
- D. The next step depends on whom you have chosen to serve

your documents. Some process servers will file the documents for you and give you file-stamped copies for your records. Other process servers will give the original documents back to you after they have completed their portion, and you will have to file them with the Court. You need to ask the person or company that you choose what their procedure is.

1. If you have to file the original documents with the Court, you will need to do the following:
  - Prepare an Affirmation.
  - Make two copies of the proof of service for each document served and one copy of an Affirmation.
  - Use a two-hole punch on the top of the original documents and also stamp or write "original" in between the two holes on the original of both documents. The Self-Help Center has a two-hole punch and stamp that you can use.
  - Take the original and copies of the Affidavit(s) and the Affirmation to the filing counter at the Clerk's Office. The Clerk will file the original Certificate of Mailing and Joint Preliminary Injunction (if used) and will return the file-stamped copies to you. Keep these copies for your records.

**V. STEP 4: ATTEND THE "DIVORCE EDUCATION SEMINAR" AND COMPLETE THE SEMINAR ATTENDANCE CERTIFICATE.**

- A. By local court rule, if the parties have children together, they must attend a seminar to learn how their children will be affected by the divorce. The class costs approximately \$40.00. There are two seminar brochures included in this packet.
- B. The instructor of the class will give you a partially completed certificate after he/she has finished the class. You will need to complete the rest of the certificate.
  1. Insert your spouse's name above the word "Plaintiff" in the caption of the certificate. Insert your name on the line above the word "Defendant."

2. Insert the case number on the line after the words "CASE NO."
  3. Insert the department letter on the line after the words "DEPT. NO."
- C. If you cannot attend any of the seminars provided by these businesses or if you cannot afford the fee for the class, you may be able to get a waiver from the Court.
1. You will need to call the law clerk of the department the case has been assigned to and ask that department's policy regarding either of the waivers. A list of the telephone numbers of the judges' staffs is included with this package.
  2. If the law clerk tells you that the judge may grant the request to waive the class attendance, you will need to complete a Request for Waiver of Class Attendance form. If the law clerk tells you that the judge may grant the request to waive the program fees, you will need to complete an Affidavit of Financial Condition and a Request for Waiver of Program form. You can get these forms at the filing counter at the Clerk's Office. There may be a small charge for each form.
    - a. If you want to ask the Court to waive either your attendance or the program fee, you will need to do the following:
      - Complete the appropriate forms.
      - Make a packet for the judge to review that includes a file-stamped copy of the Answer, and either (1) the original Request for Waiver of Program Attendance form or (2) the original Request for Waiver of Program Fee form plus a file-stamped copy of the Affidavit of Financial Condition.
      - Deliver the packet to the judge's office. Take the elevator to the third floor of the courthouse. Go to the reception area by "chambers." You will see brown boxes against the wall. Each box is marked with a department letter. Put the judge's package into the box

belonging to that department.

- The judge's staff will review your paperwork. If it is approved, the judge will sign the Order. If you need to make some corrections, the staff will put a note on your papers to tell you how to correct the papers. It usually takes between one-to-two weeks from the time that you give your papers to the department until the staff has reviewed them.
  - The Clerk's Office will mail the forms to you after they have been reviewed by the judge. Please give the clerk a **blank** 10x13 envelope when you file your documents. The Clerk's Office will pay the postage. After one week, you can call the Clerks Office at 455-2590 to ask if your paperwork has been mailed. If the paperwork has not been mailed after two weeks, you may call the judge's office to make sure that they have received your paperwork.
  - If the judge signed the Order, the Clerk's Office will automatically file it for you. If your paperwork needs correction, you will need to go through these steps again after you have made the corrections.
- D. After you have attended the seminar and completed your part of the certificate, you will need to file it. You will need to prepare and make one copy of the Affirmation as well. Go to the filing counter at the Clerk's Office. The Clerk will file the original Affirmation and the white page of the certificate and return the file-stamped copies to you.

NOTE: If the certificate that you receive from the instructor does not have carbon copies, you will need to make at least two copies of the completed certificate before you go to the Clerk's Office.

## **VI. STEP 5: GO TO MEDIATION**

- A. As noted in Section II, above, if you and the Plaintiff have child(ren) together and you are not going to agree on everything about the child(ren), both of you must

attend mediation. You can either use the Court's agency (the "Family Mediation Center") or go to a private mediator.

- B. If you choose to use FMC, you will be contacted by that agency to set up a time for mediation. If mediation is successful, FMC will draft a Parenting Plan for you and the Plaintiff to sign. If you and Plaintiff cannot agree, the agency will report that result to the Court, but will not tell the Court any of the details about the mediation session.
- C. If you choose to use a private mediator, you will need to ask that mediator what their procedure is.

**VII. STEP 6: ATTEND THE EARLY CASE CONFERENCE (ALSO CALLED A "16.1 CONFERENCE")**

If the case is contested (you and Plaintiff disagree on some things), the parties are required to meet within 30 days after you have filed the Answer. This meeting is called an "Early Case Conference" or a "16.1 Conference." During this meeting, the parties (or their attorneys if the parties are represented) discuss the possibility of settling the case, exchange documents and make a timeline for the rest of the case. The Plaintiff is responsible for arranging the time, date, and place of the Early Case Conference. You may want to review Nevada Rule of Civil Procedure 16.1 to familiarize yourself with this process. The Self-Help Center has a copy of this rule, or you can review it on the Internet at <http://www.nvsupremecourt.us> or any Clark County public library.

- A. After the Early Case Conference, both parties will need to complete a "Case Conference Report." This is very important. **Your case will not be processed unless the Court has received this document.** The Self-Help Center has Case Conference Report packages at the Center or on our Web site at [http://www.co.clark.nv.us/district\\_court/self\\_help\\_center.htm](http://www.co.clark.nv.us/district_court/self_help_center.htm)

SOME DEFINITIONS and EXPLANATIONS OF TERMS USED IN FAMILY CASES  
WITH CHILDREN

***The following definitions and explanations are only to be used as general guidance. In no way are they intended to cover all the legal significance and importance of the terms. You are advised to seek a full explanation of the terms, definitions, and explanations, from a private attorney licensed to practice law in the State of Nevada.***

Alimony or Spousal Support: Alimony, or Spousal Support is the amount paid to one spouse by the other for a period of time after the marriage is over, usually to assist the spouse in being able to maintain a lifestyle to which that spouse is accustomed, until that spouse can get back on firm financial footing. Spousal support may be for a limited amount of time, such as months or years, until remarriage, or may be permanent until remarriage. If the spouse that is receiving support remarries, unless otherwise agreed upon, and ordered by the court, the spousal support stops at the time of remarriage. There is no formula for spousal support and either party may receive spousal support. The factors governing spousal support are complicated and if you have any questions regarding spousal support, ***they should be discussed with a private attorney.***

Answer to Complaint or Petition: When a defendant or respondent is “served” with a complaint or petition, a ***formal, written, “answer”*** must be filed with the court by the “defendant” or “respondent” within twenty (20) days of the date the Complaint was served, either agreeing with, or opposing, the requests of the plaintiff or petitioner. If the defendant or respondent does not file a written, formal, answer to the claims, the other party (the plaintiff or petitioner) may take a “default” and receive all that they request in the complaint or petition. Very often, when a person receives a copy of the “complaint” or “petition”, they wait for some kind of a notice of a hearing. No hearing is automatically scheduled. Unless the defendant or respondent actually, formally, answers the complaint or petition, in writing, and files it with the court, the court will, most likely, automatically grant the plaintiff or petitioner everything they request.

If the defendant or respondent wants something different than is stated in the Complaint, the defendant or respondent may file a “counterclaim” with the answer.

Assets: Generally, ***anything*** acquired or purchased during the time of the marriage is considered a community asset and, therefore, community property, and it usually does not matter if one name is on the property or both names are on the property. Nevada is a “community property” State and the law in Nevada is that community assets are equally divided at the time of a divorce. ***There are some exceptions, and those should be discussed with a private attorney.*** The term “community assets” includes: the income of both parties during the marriage and anything purchased with either income, any interest acquired in real property, any retirement funds earned during the marriage, vehicles purchased during the marriage (even if in only one name), furniture purchased during the marriage, etc.

In many cases, it does not matter in whose name these things are purchased. Sole and separate property is not *usually* considered “community property” *unless* it was given as a gift to the community or the community has acquired an interest in it in another way. If one party “wastes” community assets or give community assets away without the other party’s knowledge or consent, that party may have to reimburse the community for the “wasting” of assets. If there is a question of wasted assets, *those should be discussed with a private attorney.*

Child Custody: There are two kinds of “custody”, “legal” custody and “physical” custody. For a more complete explanation of custodial terms used in divorce, separation and custody cases, see the pamphlet entitled “Common Custody Terms”. Custody is a complicated issue and you are urged to seek the advice of private counsel on how to establish custody and visitation.

Child Support: Child support is governed by statute and, like child custody, can become complicated. Although the basic formula as set by statute is 18% of the non-custodial parent’s gross income for 1 child, 25% for 2 children, 29% for 3 children, 31% for 4 children and an additional 2% for each additional child, *there are deviations from the formula that can be considered.* The minimum child support allowed is \$100.00 per month, per child, and the maximum for each child is determined by the gross income of the non-custodial parent as set out in the statutes, with a cap that is adjusted annually. *Under certain conditions, there are deviations from the minimum and maximum amounts.* The child support statutes can be found at NRS 125B.070 and NRS 125B.080. You are urged to seek the advice of a private attorney on how to fully address child support and any deviations from the formula. Child support must be reviewed every 3 years or at any time if there is a substantial change of circumstances (such as the loss of a job or the legal responsibility for the support of another family member or another child). It is the responsibility of the parties to request a review and modification of the child support.

Child Visitation or Parenting Time: The statute governing child visitation and exchange is clear. It is not enough to just state “reasonable visitation” in any kind of agreement. The visits and terms of the exchange of the child must be clear and specific. There must be specific days, times and places of exchange included in the agreement, and the holiday calendar must be clearly defined. If there are expenses involved with the exchange and visits, the agreement must state which parent is going to bear the expenses, or, if the expenses are going to be shared. If there is travel involved, who makes the travel arrangements must be stated. If the visitation is going to be “supervised”, the arrangements must be stated as to who will supervise the visits, whether the supervised parenting time will be temporary or permanent, and, if temporary, when unsupervised parenting time will commence, and under what conditions. *It must be remembered that the written agreement for visitation or parenting time is the controlling agreement and any verbal agreements are usually not enforceable through the courts.*



- Community Property: Any assets acquired or purchased during the marriage are usually considered “community property”, no matter whose name they are in. That is the starting point for the division of property of the marriage. Nevada is a community property State and it is the law that the division of community property start with an equal division. **However**, there are important deviations and exceptions to equal community property distribution. See “Assets” above. ***A private attorney should be consulted regarding division and distribution of community property.***
- Complaint: The document filed to start a case. Also may be known as a “Petition”. The “complaint” or “petition” sets out the claims of the “plaintiff” or “petitioner” and tells the court what they want the court to order, as well as the basis for why the court should enter an order granting them what they want. The Complaint, or Petition, is then served on the Defendant, or Respondent, with a Summons notifying the Defendant, or Respondent, that a suit has been filed against them.
- Counterclaim: While the Complaint or Petition sets out the claims of the “plaintiff” or “petitioner,” a counterclaim sets out the claims of the “defendant” or “respondent”. The counterclaim is included within the Answer to the Complaint that defendant or respondent files. For example, if plaintiff asks for primary physical custody of the children in the Complaint and the defendant wants primary physical custody, the defendant can use the counterclaim to ask for primary physical custody.
- Debts: Generally, any bills or debts acquired during the marriage are considered community debts and are equally divided at the time of the divorce. ***There are exceptions.*** Debts that are incurred for such things as gambling or for purchasing things that are not for the benefit of the community, may be considered sole and separate debts. ***Such debts should be discussed with a private attorney.***
- Default: When a party does not formally, ***in writing***, answer or respond to legal documents served on them, the party that filed the documents can request that the court grant them everything they ask for in the documents. The party upon whom the documents were served is said to have “defaulted” and, because they did not file something saying they disagreed with what is being requested, it is assumed they agree with the requests and the court enters a “default” order. The “default” is most commonly used when a party is served with a divorce complaint and does not file any kind of answer or response and the court grants the divorce on “default”. ***It is important to remember that there are legal time frames in which an answer or response must be filed.***
- Defendant: The party that answers or “defends” an action brought against them by the Plaintiff or Petitioner. The Defendant may also be labeled as the Respondent.

Mediation: Both parties meet with a professional “mediator”, usually in an attempt to work out a parenting plan for children involved in a custody dispute. However, the division of property may also be “mediated” under certain circumstances. If you file in Washoe, Clark, Douglas and Carson City Counties, mediation of custody and visitation issues is mandatory if the parents cannot come to an agreement regarding custody and visitation of the children. If you file in Washoe, Clark, Douglas and Carson City Counties, you may use the Court mediation programs in the county in which you file. There are certain circumstances under which mediation can be “waived”. However, those circumstances are very special and if you believe you are eligible for waiver of mediation, you need to speak to a private attorney on how to go about filing the correct documents to request that mediation be waived in your case. If you live in another county, you can check with the Law Clerk in the department in which your case is filed for a list of mediators in the community.

Petitioner: A party that starts or “brings” an action against another party.  
or  
Plaintiff: The party who answers the action, or against whom the action is brought, is termed the Defendant.

Reply to Counterclaim: When defendant or respondent files and serves their answer and counterclaim on the plaintiff or petitioner, the plaintiff or petitioner then has the duty to respond to the counterclaim by filing a Reply to Counterclaim. Within that Reply, plaintiff has the opportunity to tell the court what parts of the counterclaim he/she agrees with and what parts he/she disagrees with. Plaintiff or petitioner has 20 days from the date the counterclaim is served on them to file and serve the Reply. If plaintiff does not file a Reply to Counterclaim within that 20 days, the defendant or respondent has the right to take a default against the plaintiff. If a default is granted, the defendant may get everything she/he asked for in the counterclaim.

Residency Requirement: One of the parties must be a resident of the State of Nevada and that person is known as the “resident”. In order to establish residency in the State of Nevada, that person must have physically lived and physically been here in the State for at least six (6) weeks immediately prior to filing the Complaint or Petition. If both people are residents of the State of Nevada, only one is actually designated as the “resident” for purposes of the filling out and filing of the Affidavit of Resident Witness Form.

***A child, or the children, MUST be a resident, or residents, of the State of Nevada for a period in excess of six (6) MONTHS before the State of Nevada can enter any orders regarding custody, or visitation, of the child or children. This is STATE and FEDERAL LAW. If the child, or children, are not residents of the State of Nevada for a period of more than six (6) months immediately prior to the filing of the Petition or Complaint, the State of Nevada has no jurisdiction over orders regarding the children. THERE ARE EXCEPTIONS, but those should be discussed with a private attorney. The parties cannot automatically agree to waive the jurisdiction issue.***

- Sole and Separate Property: Sole and separate property are those things Husband and Wife owned prior to the marriage, and it *may* also include a personal injury settlement received during the marriage by one of the parties, or money or property inherited by a party *if* the proceeds were kept entirely separate from the community, during the marriage. Sole and separate property remains the property of the individual who owned it prior to the marriage. ***There are exceptions, such as a home or other real property.*** The “community” may acquire an interest in a home or real property during the time of the marriage even if it belonged to one party prior to the marriage. If there is a question regarding such an interest, and what percentage the community may have acquired, ***you are urged to see a private attorney.***
- Summons: Notice to a party that a complaint or petition has been filed against them in court. The Summons is a court document which is “issued” by the court clerk at the time the complaint or petition is filed in. It must be served on the other party, with a copy of the complaint or petition, **usually by personal service by a third, independent, party, but there are some other methods of service by court order.** The party upon which it is served, has twenty days (not counting the day of service) in which to file a **written** response, or answer, with the court. A copy of the written response, or answer, must be served by the party filing it, on the other party.
- Wage Assignment: The legal process of having child support payments deducted directly from the paycheck of the one who owes the support. The payment is then sent by the employer to the State Collection and Disbursement Unit for forwarding to the one collecting the child support.

## COMMON “CUSTODY” TERMS

Custody terms that are used in legal documents have some very important legal consequences and can have a tremendous impact on your future actions in the court.

There are two kinds of custody that must be addressed in divorce and paternity documents. **“Physical” custody** and **“Legal” custody**. Physical custody has to do with the actual, physical interaction and contact between parent and child. Legal custody has to do with the rights and responsibilities to make decisions about the important aspects of the child’s life, such as the child’s education and the child’s health needs.

The following terms are commonly used to describe “custody” arrangements. It is important to realize that these are not the only terms used and if there are terms that you don’t understand or you are not sure of their meaning, for your own protection, have the terms clearly defined in any legal documents you sign or any orders that issue from the court.

These definitions are not complete legal definitions, but only give you an idea of what terms are commonly used in documents and what they generally mean. For a more complete definition, please speak to an attorney or clarify the terms with the mediator, if you are in mediation, or, clarify the terms at the time of any hearing or conference with the judge.

**Primary Physical Custody:** The child physically resides with, and spends the great majority of time with, one parent, designated as the primary physical custodian, and the other parent has visitation rights and privileges. For example: the non-custodial parent may have visitation at least every other weekend, one evening during the off week, alternate holidays and some block time for vacation periods. Non-custodial arrangements vary with each set of circumstances.

**Joint Physical Custody:** Each parent has significant periods of time with the child. It DOES NOT MEAN that each parent has an exact equal amount of time with the child. The significant time may be worked out over longer periods such as weekly, monthly, or even annually. This may also be designated as **shared physical custody**. Joint physical custody does not mean that there will be no child support obligation. Usually, there is still a child support obligation of some kind from one parent to the other, depending upon the financial position in which each is left following the divorce.

**Sole Physical Custody:** Sole physical custody is very seldom granted by the court. Usually, the term is used when one parent is completely out of the child’s life, such as in prison or in circumstances that contact with the non-custodial parent would expose the child to physical danger or abuse. Sole physical custody does not automatically mean that the non-custodial parent has no visitation rights. The court grant one parent sole physical custody and grant the non-custodial parent specific visitation. The term sole physical custody is most often combined with sole legal custody which then grants one parent the complete control over making all the decisions for the child without any input by the non-custodial parent. However, sole physical custody may also be combined with joint legal custody. In that case, although one parent has the child solely in their physical custody, the important decisions for the child are made with input by the non-custodial parent.

**Joint Legal Custody:** Both parents equally share the right and responsibility to make decisions about the child's health, education and welfare. Should the parents not be able to agree on such decisions, the parents usually return to mediation to see if they can work out their differences and if they cannot work them out through mediation, the matter is presented to the Court for the final decision. Both parents have an equal right to access such things as the child's doctor's records and school records.

**Sole Legal Custody:** One parent, alone, has the right and responsibility to make all the decisions about the child's health, education and welfare, without any input from the non-custodial parent. Sole legal custody is only granted in unusual cases and circumstances.

The state encourages custody arrangements that allow the child to have significant time with both parents and expects both parents to share the responsibility of making the important decisions involving their child's life.

**CLARK COUNTY FAMILY LAW  
SELF-HELP CENTER  
SURVEY**

**8/1/05**

**Please help us help you. If you complete this brief survey, we will be able to better determine your needs and how to serve you better.**

Date \_\_\_\_\_ Zip Code \_\_\_\_\_

How many times have you visited the Center? . . . .  First visit  2  3  4  5 or more

What is the general description of your legal actions: (Check all that apply)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Adoption              | <input type="checkbox"/> Divorce without children      | <input type="checkbox"/> Order for protection against domestic violence |
| <input type="checkbox"/> Annulment             | <input type="checkbox"/> Guardianship of a child       | <input type="checkbox"/> Paternity                                      |
| <input type="checkbox"/> Child support         | <input type="checkbox"/> Guardianship of an adult      | <input type="checkbox"/> Visitation                                     |
| <input type="checkbox"/> Custody               | <input type="checkbox"/> Modification of child support |   |
| <input type="checkbox"/> Divorce with children | <input type="checkbox"/> Name change                   |   |
| <input type="checkbox"/> Other: _____          |  |   |

Are you starting or responding to a legal action?

- Starting  Responding  
 Other: \_\_\_\_\_

What services are you seeking from the Self-Help Center? (Check all that apply)

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Information about forms/procedures  | <input type="checkbox"/> Information about other legal and community resources | <input type="checkbox"/> Listing of attorneys willing to accept family law cases | <input type="checkbox"/> Classes or clinics about family court procedures |
| <input type="checkbox"/> Assistance with completion of forms |  |  | <input type="checkbox"/> Notary services                                  |
| <input type="checkbox"/> Other: _____                        |  |  |   |

How did you hear about the Self-Help Center? (Check all that apply)

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Judge, court employee, or court program | <input type="checkbox"/> Law Library                | <input type="checkbox"/> Lawyer referral service |
| <input type="checkbox"/> Legal services provider                 | <input type="checkbox"/> Attorney                   | <input type="checkbox"/> Walk-in                 |
| <input type="checkbox"/> Social services provider                | <input type="checkbox"/> District Attorney's Office | <input type="checkbox"/> Family member or friend |
| <input type="checkbox"/> Other: _____                            | <input type="checkbox"/> Bar Association            | <input type="checkbox"/> Website                 |

Are you aware that our forms are available on the internet? . . . . .  Yes  No

Do you already have your documents? . . . . .  Yes  No

If yes, where did you get your documents?

- |   |                                      |  |
|---|--------------------------------------|--|
| <input type="checkbox"/> Self-Help Center Office  | <input type="checkbox"/> Attorney    | <input type="checkbox"/> Office supply store |
| <input type="checkbox"/> Self-Help Center Website | <input type="checkbox"/> Law Library |  |
| <input type="checkbox"/> Other website            | <input type="checkbox"/> Paralegal   |  |
| <input type="checkbox"/> Other: _____             |                                      |  |

Have you consulted an attorney regarding your case? . . . . .  Yes  No

If no, why did you not hire an attorney? (Check all that apply)

- |  |   |
|--|---|
| <input type="checkbox"/> Cost                        | <input type="checkbox"/> Could not find an attorney who spoke my language |
| <input type="checkbox"/> Prefer to self-represent    | <input type="checkbox"/> I do not know any attorneys                      |
| <input type="checkbox"/> Case refused by an attorney |   |
| <input type="checkbox"/> Other: _____                |   |

Have you consulted a paralegal regarding your case? . . . . .  Yes  No

If no, why did you not hire a paralegal? (Check all that apply)

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Cost                        | <input type="checkbox"/> Could not find a paralegal who spoke my language | <input type="checkbox"/> I do not know any paralegals |
| <input type="checkbox"/> Case refused by a paralegal |   |   |
| <input type="checkbox"/> Other: _____                |   |   |

**Please complete other side...**

**Please tell us a little about yourself...**

Age ....  Under 18  18 - 30  31 - 40  41 - 50  51 - 59  60 or older

Sex ....  Male  Female

**Race: (Check the one that primarily applies)**

- White  American-Indian  Asian  
 African-American  Hispanic  
 Other: \_\_\_\_\_

**What language is spoken in your home?**

- English  Spanish  
 Other: \_\_\_\_\_

**How many children under the age of 18 live in your home?**  0  1 - 2  3 - 4  5 or more

**Your gross monthly income is:**

- Below \$500  \$1000 - \$1,999  \$3,000 - \$3,999  \$5,000 or more  
 \$500 - \$999  \$2,000 - \$2,999  \$4,000 - \$4,999

**Are you currently receiving public assistance?** .....  Yes  No

**If yes, what type of assistance are you receiving?**

- SSI  TANF  Medicare  Medicaid  Food stamps  
 Other: \_\_\_\_\_

**What is your highest level of education?**

- No high school  High school graduate  Post graduate work  
 Some high school  Some college  
 GED certificate  College graduate

**Do you feel more able to represent yourself than before you visited the Self-Help Center?** .....  Yes  No

**Were you treated courteously at the Self-Help Center?** .....  Yes  No

**How would you evaluate the services offered by the Center?**

	very helpful	Somewhat helpful	Not helpful	Did not use
Customer Assistance: .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
References: .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Forms Packets / Instructions: .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Notarizations / Typewriters: .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children's Area: .....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Please tell us how we can improve our services or any other comments.** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Thank You for Your Feedback!**

1 **CC12**  
2 Name:  
3 Address:  
4 City/State/ZIP:  
5 Telephone:  
6 Plaintiff/Defendant

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DISTRICT COURT  
CLARK COUNTY NEVADA

Plaintff(s),	CASE NO.
-vs-	DEPT. NO.
Defendant(s).	

**JOINT PRELIMINARY INJUNCTION  
(DOMESTIC)**

**NOTICE! THIS INJUNCTION IS EFFECTIVE UPON THE PARTY REQUESTING SAME WHEN ISSUED AND AGAINST THE OTHER PARTY WHEN SERVED. THIS INJUNCTION SHALL REMAIN IN EFFECT FROM THE TIME OF ITS ISSUANCE UNTIL TRIAL OR UNTIL DISSOLVED OR MODIFIED BY THE COURT. DISOBEDIENCE OF THIS INJUNCTION IS PUNISHABLE BY CONTEMPT.**

**TO: Plaintiff and Defendant:**

**YOU, AND ANY OFFICERS, AGENTS, SERVANTS, EMPLOYEES OR A PERSON IN ACTIVE CONCERT OR PARTICIPATION WITH YOU, ARE HEREBY PROHIBITED AND RESTRAINED FROM:**

1. Transferring, encumbering, concealing, selling or otherwise disposing of any of your joint, common or community property of the parties or any property which is the subject of a claim of community interest, except in the usual course of business or for the necessities of life, without the written consent of the parties or the permission of the court.



1 2. Molesting, harassing, stalking, disturbing the peace of or committing an  
2 assault or battery on the person of the other party or any child, step-child or any  
3 other relative of the parties.

4 3. Removing any child of the parties then residing in the State of Nevada with  
5 an intent or effect to deprive the court of jurisdiction as to the child without the  
6 prior written consent of all the parties or the permission of the court.

7  
8 **STEVEN G. GRIERSON, CLERK OF THE COURT**

9  
10 By: \_\_\_\_\_  
11 Deputy Clerk (Date)

12 **Family Court and Services Center**  
13 **601 N. Pecos Road**  
14 **Las Vegas, NV 89101**

15 **Submitted By:**

16 \_\_\_\_\_  
17 (Signature)

18 **Name:** \_\_\_\_\_  
19 **Address:** \_\_\_\_\_  
20 **City/State/Zip:** \_\_\_\_\_  
21 **Telephone:** \_\_\_\_\_  
22 **Attorney for:** \_\_\_\_\_

**AFFIDAVIT OF SERVICE**

STATE OF \_\_\_\_\_ )  
 )ss:  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn, says: That all time herein affiant was and is over 18 years of age, not a party to nor interested in the proceeding in which this affidavit is made. That affiant received a copy of the Joint Preliminary Injunction on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ and served the same on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by:

**(Affiant must complete the appropriate paragraph)**

1. Delivering and leaving a copy with the Plaintiff/Defendant \_\_\_\_\_ at (state address) \_\_\_\_\_

2. Serving the Plaintiff/Defendant \_\_\_\_\_ by personally delivering and leaving a copy with \_\_\_\_\_ a person of suitable age and discretion residing at the Plaintiff/Defendant's usual place of abode located at (state address) \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

**SUBSCRIBED AND SWORN** to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**NOTARY PUBLIC** in and for said County and State

1 ANS  
2 (Your name) \_\_\_\_\_  
3 (Address) \_\_\_\_\_  
4 \_\_\_\_\_  
5 (Telephone) \_\_\_\_\_  
6 In Proper Person

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 \_\_\_\_\_, ) CASE NO.: \_\_\_\_\_  
10 Plaintiff, ) DEPT. NO.: \_\_\_\_\_  
11 vs. )  
12 \_\_\_\_\_, )  
13 Defendant. )

14 **ANSWER TO COMPLAINT FOR DIVORCE**

15 COMES NOW, Defendant, \_\_\_\_\_, in Proper Person, and hereby  
16 Answers Plaintiff's Complaint as follows:

17 1. Defendant admits the allegations contained in paragraph(s) (insert the paragraph  
18 number(s) from the Complaint that you agree with) \_\_\_\_\_ of the  
19 Complaint.

20 2. Defendant denies the allegations contained in paragraph(s) (insert the paragraph  
21 number(s) from the Complaint that you do not agree with) \_\_\_\_\_ of  
22 the Complaint.

23 3. After reasonable investigation, this Defendant is without sufficient information to  
24 form a belief as to the truth or falsity of the matters alleged in paragraph(s) (insert the paragraph  
25 number(s) that you do not know to be true or false because you do not have enough information to  
26

1 say whether they are true or false) \_\_\_\_\_ of the Complaint; the  
2 allegations are therefore denied with proof demanded at trial.

3 WHEREFORE, Defendant prays for judgement as follows:

- 4 1. That the marriage existing between Plaintiff and Defendant be dissolved and that each  
5 of the parties hereto be restored to the status of a single, unmarried person;  
6 2. For such other relief as the Court finds to be just and proper.

7  
8 DATED this (day) \_\_\_\_\_ day of (month) \_\_\_\_\_, (year) \_\_\_\_\_.

9  
10 By:

11 (Your signature)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant in Proper Person

15 ///  
16 ///  
17 ///  
18 ///  
19 ///  
20 ///  
21 ///  
22 ///  
23 ///  
24 ///  
25 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VERIFICATION**

STATE OF NEVADA        )  
                                  ) ss:  
COUNTY OF CLARK        )

\_\_\_\_\_, under penalties of perjury, being first duly sworn, deposes and says:

That I am the Defendant in the above-entitled action; that I have read the foregoing Answer to Complaint for Divorce and knows the contents thereof; that the same is true of my own knowledge, except for those matters therein contained stated upon information and belief, and as to those matters, I believe them to be true.

DATED this \_\_\_\_ day of (month) \_\_\_\_\_, (year)\_\_\_\_\_.

By:  
(Your signature)\_\_\_\_\_

\_\_\_\_\_  
SUBSCRIBED and SWORN to before me this \_\_\_\_ day of (month)\_\_\_\_\_, (year)\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

**ACKNOWLEDGMENT**

STATE OF NEVADA        )  
                                  )ss:  
COUNTY OF CLARK        )

On this \_\_\_\_ day of (month) \_\_\_\_\_, (year) \_\_\_\_\_, before me, the undersigned Notary Public in and for the said County and State, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing Answer to Complaint for Divorce, and who acknowledged to me that (check one) [ ] he/ [ ] she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

\_\_\_\_\_  
NOTARY PUBLIC

///

1 CERT  
2 (Your name) \_\_\_\_\_  
3 (Address) \_\_\_\_\_  
4 (Telephone) \_\_\_\_\_  
5 (Check one)  Plaintiff/  Defendant In Proper Person

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 \_\_\_\_\_ )  
9 Plaintiff, )  
10 vs. )  
11 \_\_\_\_\_ )  
12 Defendant. )

CASE NO.: \_\_\_\_\_  
DEPT NO.: \_\_\_\_\_

**CERTIFICATE OF MAILING**

13 **I HEREBY CERTIFY** that service of the (name of document) \_\_\_\_\_  
14 was made on (date) \_\_\_\_\_ pursuant to NRCP 5(b) by depositing a copy of same in  
15 the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:

16 (Other party's name) \_\_\_\_\_  
17 (Other party's address) \_\_\_\_\_  
18 (Address) \_\_\_\_\_  
19 (Address) \_\_\_\_\_

20 DATED this \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_.

21 (Signature of person who mailed document) \_\_\_\_\_  
22 (Name of person who mailed document) \_\_\_\_\_

23 SUBSCRIBED and SWORN to before  
24 me this \_\_\_\_\_ day of \_\_\_\_\_,  
(month) \_\_\_\_\_, (year) \_\_\_\_\_.

25 \_\_\_\_\_  
26 NOTARY PUBLIC

# **PROCEDURE GUIDELINES FOR MANDATORY MEDIATION - N.R.S. 3.475**

Pursuant to Eighth Judicial District Court Rule (E.D.C.R.) 5.70, mandatory mediation requires all individuals, whether represented by an attorney or in proper person, filing an **answer** for contested, child-related issues to attend mediation prior to the hearing of their matter.

## **How do I know if my case is contested or uncontested?**

A **contested matter** means that the **parties do not agree** in regards to custody and/or visitation issues for their child or children.

An **uncontested matter** means that the **parties are in agreement** to all issues regarding custody and/or visitation for their child or children.

## **So, if Mandatory Mediation does apply to me, how do I comply with this new law?**

In order to comply with mandatory mediation, you may use the services of the Eighth Judicial District Court's program, Family Mediation Center (FMC), or a private mediator.

### **To Use the Family Mediation Center (FMC)**

1. Submit completed "*Request & Order for Mediation*" form, or a Stipulation & Order to the Clerk's office along with the answer/motion, or after the answer/motion is filed.
2. Clerk's office will submit the order to the department. Once signed by the judge, the Clerk's Office will forward a copy of the order to FMC.
3. FMC will contact both parties to begin the mediation process.

### **To Use a Private Mediator**

1. File the completed "Private Mediator" form with the Clerk's Office along with the answer/motion, or after the answer/motion is filed.
2. It will be your responsibility to locate a mediator and provide written proof of compliance to the court.

## **Can I try mediation before I file for divorce or file to establish custody?**

No, in order to request mediation, there must be an existing District Court case with a child-related matter before the court for resolution. Cases are initiated in the Clerk's Office by filing a petition or complaint.

## **What if I am having problems with my current order and want to attempt mediation before I go back to Court?**

Again, because mediation does not start any court process, requesting mediation is not the "first step." If you are requesting the Court to modify your current order, or if you are requesting that the Court hold the other party in Contempt of Court for not following your current court order, you need to file a *Motion to Modify or Amend* the current order, or a *Motion for Contempt of Court*.

## **What is the cost for mediation?**

The court-connected program, Family Mediation Center (FMC), uses a sliding scale, based on **each client's individual financial status** -- with a maximum cost of \$200.00 per person. If a private mediator is selected, the cost for mediation services needs to be discussed with that provider.

# I N S T R U C T I O N S F O R U T I L I Z I N G R E Q U E S T A N D O R D E R F O R M E D I A T I O N F O R M

(These instructions were developed by FMC to assist requestor in preparing above-referenced form and moving it through the appropriate channels in a timely manner.)

Read instructions in their entirety before completing form:

1. The form must be completed in its entirety. The Plaintiff and Defendant will be the same as all the original documents. **Complete** and **correct** addresses on both parties are **mandatory**. The date and signature line for the judge are the only items that need to be left **blank**.
2. Once form is completed, take it to the third floor of the Family Courts. Place the form in the department's box. You may want to place a "post-it" on the form asking that you be called once it is signed.
3. When you pick up the signed form, make three copies **before** "filing" it in the Clerk's office. Have all copies file-stamped.
4. The copies need to be distributed as follows:
  - a. The Clerk's office will keep the original;
  - b. **You** need to serve a copy to the other party;
  - c. Keep a copy for yourself; and
  - d. Leave a copy in the Family Mediation Center (FMC).
    - (1) When dropping off this copy, allow a few minutes to complete information sheet.
    - (2) FMC will then schedule an appointment.



ORDR

**DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA**

	)	
	Plaintiff )	Case No. _____
-vs-	)	Department _____
	)	
	)	
	Defendant )	
_____	)	

**FMC REQUEST AND ORDER FOR MEDIATION – NRS 3.475**

In accordance with NRS 3.475, all individuals **filing an answer** to a complaint/motion for contested, child-related divorce or post-divorce child-related issues are mandated to attend mediation toward the resolution of custody/access issues. Upon the filing of this order, the plaintiff and defendant shall attend mediation through the FMC court-connected program. The Family Mediation Center will contact both parties using the information provided below. If this information is incorrect, the Court will be informed. **The party completing this form must make sure the other party is served.**

**If either party needs an interpreter, please list language:** \_\_\_\_\_

**PLAINTIFF INFORMATION:**

Name: _____	Home Phone: _____
Address: _____	Work Phone: _____
_____	Best time for appt?    AM    PM    _____
Attorney's Name: _____	Phone Number: _____

**DEFENDANT INFORMATION:**

Name: _____	Home Phone: _____
Address: _____	Work Phone: _____
_____	Best time for appt?    AM    PM    _____
Attorney's Name: _____	Phone Number: _____

**CHILD(REN) INFORMATION [First & Last Name and Date of Birth (DOB)]:**

Name: _____	DOB: _____	Name: _____	DOB: _____
Name: _____	DOB: _____	Name: _____	DOB: _____

\_\_\_\_\_  
Signature of Individual Completing this form

\_\_\_\_\_  
Attorney Signature (if Applicable)

Ordered and dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
District Judge

PME

**DISTRICT COURT**  
**FAMILY DIVISION**  
**Clark County, Nevada**

\_\_\_\_\_) )  
Plaintiff ) )  
-vs- ) )  
\_\_\_\_\_) )  
Defendant ) )

Case Number \_\_\_\_\_

Department \_\_\_\_\_

**PRIVATE MEDIATOR EXEMPTION**

In accordance with NRS 3.475, the party or parties have elected to use a private mediator.

In accordance with EDCR 5.70, this notice shall include the name of the mediator, and the date set for the first mediation conference.

**Name of Mediator:** \_\_\_\_\_

**Agency:** \_\_\_\_\_

**First Mediation Conference scheduled for:** \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Signature of Proper Person

Proper Person Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

\_\_\_\_\_  
Attorney Signature

Attorney Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

Counsel for \_\_\_\_\_ Plaintiff  
\_\_\_\_\_ Defendant

(Please type or print)

(Please type or print)

# New Policy at the Clerk's Office

Please....

*bring a blank 10X13 envelope when you file your documents.* The clerk will mail your documents to you after they are reviewed by the judge. The clerk's office will pay the postage.

**GENERAL INSTRUCTIONS FOR COMPLETING NRCP 16.2 FINANCIAL DISCLOSURE FORM**  
**(Remove These Instructions Before Filing Form)**

1. Nevada Rule of Civil Procedure 16.2 requires that this Financial Disclosure Form be filed and served no later than forty-five **(45) days** after the service of the summons and complaint in a divorce, annulment or separate maintenance action. This Financial Disclosure Form must also be filed and served by the responding party with any response or answer to such action.
2. Nevada Rule of Civil Procedure 16.2 requires unmarried parties filing a custody action where paternity is established to file and serve the cover sheet, the “personal income schedule” and the “business income/expense schedule” portions of the Financial Disclosure Form no later than forty-five **(45) days** after the service of the summons and complaint. This Form must also be filed and served by the responding party with any response or answer to such action.
3. Nevada Rule of Civil Procedure 16.2 requires parties to supplement or correct your Financial Disclosure Form within ten judicial days after you acquire additional information or learn that in some material respect your Form is incomplete or incorrect. If the supplemental disclosure includes an asset, liability, income, or expense omitted from the prior disclosure, you must include an explanation as to why the item was omitted.
4. Failure to comply with Rule 16.2 may result in court ordered sanctions.
5. The Financial Disclosure Form consists of seven printed pages, plus these instructions. If your Form does not have all pages, you may purchase a complete set from the Clark County Clerk’s Office or the Self Help Center at the Family Courts & Services Center. You may also download a free copy from the Self-Help Center’s website at <http://www.clarkcountycourts.us/shc>
6. Answer and complete **all** sections in this form. If an item requiring your response is not applicable, write “N/A” in that section.
7. This form **must** be completed honestly and to the best of your knowledge after reasonable inquiry. This form has important legal consequences. You should carefully consider each of your answers. If necessary, you should consult with legal counsel.
8. After you have completed the Financial Disclosure Form you must make three copies. The original and all three copies must be filed with the Legal Filing Department at the Clerk’s Office.
9. The clerk at Legal Filing will keep the original and give you back three file stamped copies. One copy is for you, one copy is for the judge, and one copy is for the opposing party.
10. The copy for the judge is called a “courtesy copy”. All courtesy copies must be delivered to the judge’s box. If your judge is located at the Family Courts and Services Center at 601 N. Pecos Road, the judge has a box on the 3<sup>rd</sup> floor. However, if your judge is located at the Regional Justice Center at 200 S. Lewis Avenue, the judge has a box on the 10<sup>th</sup> floor.
11. Usually, a file stamped copy of the Financial Disclosure Form is served to the opposing party by mailing it to his or her last known address. If the opposing party is represented by an attorney you must serve the attorney instead of the opposing party directly.
12. Finally, you will need to complete and file a Certificate of Mailing to verify that you provided the opposing party with a file stamped copy of the Form.



Case No. \_\_\_\_\_  
 Dept. No. \_\_\_\_\_

<b>PERSONAL INCOME SCHEDULE</b>		
<b>IF SELF-EMPLOYED OR BUSINESS OWNER PLEASE FILL IN THE BUSINESS INCOME/EXPENSE SCHEDULE</b>		
<b>YOUR OWN INCOME</b>		<b>AMOUNT</b>
<b>EMPLOYMENT INCOME</b> (if paid weekly multiply by 52 and divide by 12, if paid every two weeks, multiply by 26 and divide by 12)		<b>NOTE: ATTACH COPIES OF YOUR THREE MOST RECENT PAY STUBS</b>
1	Average Gross Monthly Income from Employment (all employment income including salary \$_____ + bonuses \$_____ + overtime \$_____ + commissions \$_____ + tips \$_____ + other \$_____ =	
2	<b>Average Monthly Paycheck Deduction – Income Taxes</b>	
3	<b>Average Monthly Paycheck Deduction – Social Security</b>	
4	<b>Average Monthly Paycheck Deduction – Medicare</b>	
5	<b>Average Monthly Paycheck Deduction – Health Insurance</b>	
6	<b>Average Monthly Paycheck Deduction – Retirement Plan or 401(k)</b>	
7	<b>Average Monthly Paycheck Deduction – Savings Account</b>	
8	<b>Average Monthly Paycheck Deduction(s) – Other</b>	
9	<b>Total Paycheck Deductions Per Month</b> (Add lines 2-8 above)	
10	<b>Average Net Monthly Income from Employment</b> (Subtract line 9 from line 1)	
<b>OTHER INCOME</b>		
11	<b>Monthly Spousal Support/Alimony Awarded by a Court</b>	
12	<b>Monthly Child Support:</b> court ordered \$_____ + other/voluntary child support \$_____ =	
13	<b>Investment Income</b> (Dividends, interest and capital gains)	
14	<b>Rental Income</b> (Enter the Amount of Depreciation Claimed in Computing Rental Income Here: \$_____)	
15	<b>Retirement Income Including Defined-Benefit Distributions, 401(k) Distributions, military retirement</b>	
16	<b>Social Security Retirement</b>	
17	<b>Social Security Disability/military disability</b>	
18	<b>Supplemental Security Income (SSI)</b>	
19	<b>Unemployment Benefits</b>	
20	<b>Workers Compensation Payments</b>	
21	<b>Other Sources of Income</b> (Describe: such as direct contributions from roommates or indirect payment of expenses by roommates)	
22	<b>Total Other Income Per Month</b> (Add lines 11-21)	
23	<b>TOTAL INCOME PER MONTH</b> (Add lines 10 and 22)	

Case No. \_\_\_\_\_  
 Dept. No. \_\_\_\_\_

PERSONAL EXPENSE SCHEDULE (NOTE: ALL EXPENSES LISTED BELOW SHOULD BE ON AN AVERAGE MONTHLY BASIS annual payments divided by 12, semiannual payments divided by 6, and quarterly payments divided by 3)		TOTAL AMOUNT
1	<b>Mortgage or Rent:</b> 1st Mtg. \$ _____ + 2nd Mtg. \$ _____ + line of credit \$ _____ + taxes \$ _____ + insurance _____ =	
2	<b>Utilities:</b> Gas/Oil \$ _____ + electricity \$ _____ + TV/cable \$ _____ + water & _____ + garbage _____ =	
3	<b>Telephone:</b> landline \$ _____ + cellular \$ _____ + Internet \$ _____ + fax \$ _____ + other \$ _____ =	
4	<b>Food, Groceries &amp; Incidentals</b> (not including entertainment or dining out)	
5	<b>Transportation:</b> monthly payment/lease \$ _____ + gas and oil _____ + repairs and maintenance, tires \$ _____ + insurance \$ _____ + license/registration \$ _____ + parking \$ _____ + public transportation \$ _____ + other \$ _____	
6	<b>House Maintenance:</b> housekeeping \$ _____ + garden/lawn care \$ _____ + snow removal \$ _____ + repairs & maintenance \$ _____ + other \$ _____	
7	<b>Entertainment:</b> dining out \$ _____ + movies, shows \$ _____ + music/videos \$ _____ + other \$ _____ =	
8	<b>Dues, Memberships, Fees:</b> Professional \$ _____ + memberships (health club, country club) \$ _____ homeowners \$ _____ fraternal \$ _____ + business \$ _____ + other \$ _____ =	
9	<b>Health/exercise:</b> clothing/shoes \$ _____ + fees/passes (health clubs etc.) \$ _____ + other \$ _____ =	
10	<b>Clothing:</b> self \$ _____ + children \$ _____ + cleaning \$ _____ =	
11	<b>Vacations</b>	
12	<b>Pets:</b> Food \$ _____ + boarding \$ _____ + healthcare \$ _____ + grooming \$ _____ + other \$ _____ =	
13	<b>Healthcare:</b> Insurance \$ _____ + unreimbursed; medical \$ _____ + dental \$ _____ + orthodontic \$ _____ + medications \$ _____ + counseling \$ _____ + physical therapy \$ _____ + chiropractic \$ _____ + other \$ _____ =	
14	<b>Appearance:</b> hair \$ _____ + nails \$ _____ + facials/massage \$ _____ + cosmetics \$ _____ + other \$ _____ =	
15	<b>Insurance:</b> life \$ _____ + disability \$ _____ + other \$ _____ =	
16	<b>Books, Newspapers &amp; Magazines</b>	
17	<b>Church/Charitable</b>	
18	<b>Accounting &amp; Tax Preparation</b>	
19	<b>Support of Others:</b> Ordered Child Support \$ _____ + voluntary child support \$ _____ + court-ordered spousal support \$ _____ + eldercare \$ _____ =	
20	<b>Miscellaneous:</b> Gifts \$ _____ + storage \$ _____ + flowers \$ _____ + savings \$ _____ + Lawyers fees \$ _____ + other \$ _____ =	
21	<b>Education:</b> Tuition, Books & Fees \$ _____ + extracurricular \$ _____ + sports \$ _____ + music \$ _____ + other \$ _____ =	
22	<b>Childcare:</b> day care \$ _____ + preschool \$ _____ + other \$ _____ =	
23	<b>Minimum Charge Card Payments and other consumer/installment debt:</b> credit card #1 \$ _____ + credit card #2 \$ _____ + credit card #3 \$ _____ + credit card #4 \$ _____ + other debt \$ _____ =	
24	<b>TOTAL MONTHLY EXPENSES (Add lines 1-23 above)</b>	

Case No. \_\_\_\_\_  
Dept. No. \_\_\_\_\_

<b>INCOME/EXPENSE SUMMARY SCHEDULE</b>	
<b>Total Monthly Income from Personal Income Schedule Line 23</b>	
<b>Add: Total Average Net Monthly Income from Self-Employment or Business Schedule Line 30</b>	
<b>Less: Total Monthly Expenses from Personal Expense Schedule line 24</b>	
<b>Net Monthly Income or (Loss)</b>	



Case No. \_\_\_\_\_

Dept. No. \_\_\_\_\_

<b>ASSET AND DEBT SCHEDULE</b>						
NOTE: PLEASE USE ADDITIONAL ASSET AND DEBT SCHEDULES, AND CARRY TOTALS TO THIS SCHEDULE IF YOU NEED TO LIST ADDITIONAL ASSETS AND DEBTS BEYOND THE LINES PROVIDED ON THIS SCHEDULE.		PROPERTY VALUE (List all assets and debts @ current values)				
Note: In general, Separate Property is defined as that acquired before marriage, or after marriage by gift or inheritance.		TOTAL	COMMUNITY		SEPARATE	
			HUSBAND	WIFE		
<b>ASSETS</b>						
CASH: include the last four numbers of the account, and the name and location including the branch of the institution, including CDs.						
1						
2						
3						
4	<b>Subtotal</b>					
INVESTMENTS: Include mutual funds, stocks, bonds, brokerage accounts, and other investment accounts. Provide the last four numbers of the account, and the name and location including the branch of the institution.						
5						
6						
7						
8	<b>Subtotal</b>					
BUSINESS INTERESTS: If you own all or part include. Indicate percentage of ownership here.						
9						
10						
11	<b>Subtotal</b>					
RECEIVABLES & DEPOSITS						
12						
13	<b>Subtotal</b>					
REAL PROPERTY. Provide common address and type of property, e.g., condominium, townhouse, single-family residence, commercial or retail.						
14						
15						
16						
17						
18	<b>Subtotal</b>					
AUTOS & RECREATIONAL VEHICLES. Provide make, model, mileage, and vehicle identification number.						
19						
20						
21						
22						
23						
24	<b>Subtotal</b>					
PERSONAL PROPERTY. Provide information on furniture, electronics, household goods, tools, computers, artwork, precious metals and jewelry having value of \$500 or greater.						
25						
26						
27						
28						
29						
30						
31						
32						
32						
34						
35	<b>Subtotal</b>					

Case No. \_\_\_\_\_  
 Dept. No. \_\_\_\_\_

<b>ASSET AND DEBT SCHEDULE</b>					
NOTE: PLEASE USE ADDITIONAL ASSET AND DEBT SCHEDULES, AND CARRY TOTALS TO THIS SCHEDULE IF YOU NEED TO LIST ADDITIONAL ASSETS AND DEBTS BEYOND THE LINES PROVIDED ON THIS SCHEDULE.		PROPERTY VALUE (List all assets and debts @ current values)			
Note: In general, Separate Property is defined as that acquired before marriage, or after marriage by gift or inheritance.		TOTAL	COMMUNITY	SEPARATE	
				HUSBAND	WIFE
CASH VALUE OF LIFE INSURANCE. Provide information on any loans against the cash rounder value of a life insurance policy.					
36					
37					
38	<b>Subtotal</b>				
RETIREMENT ACCOUNTS. Provide the name of the account, account number, an administrator. Provide any information on loans against retirement assets.					
39					
40					
41					
42					
43	<b>Subtotal</b>				
44	<b>TOTAL ASSETS (add Lines 4,8,11,13,18,24,35,38 and 43)</b>				
<b>DEBT</b>					
LONG TERM DEBT. Provide information on mortgages, notes & deeds of trust, home equity loans and lines of credit, and automobile, recreational vehicle loans and leases.					
45					
46					
47					
48					
49					
50	<b>Subtotal</b>				
OTHER DEBT. Charge accounts, credit cards, medical debts, and other short-term debts. Provide the name of the lender, and the last four numbers of the account.					
51					
52					
53					
54					
55					
56					
57					
58					
59	<b>Subtotal</b>				
60	<b>TOTAL DEBT (add lines 50 and 59)</b>				
61	<b>NET WORTH (TOTAL ASSETS, line 44 MINUS TOTAL DEBT, line 60)</b>				

Case No. \_\_\_\_\_  
 Dept. No. \_\_\_\_\_

<b>BUSINESS INCOME/EXPENSE SCHEDULE</b> <i>(Skip this schedule if you are not self-employed or do not own a business)</i>		<b>AMOUNT PER MONTH</b>
1	Average Monthly Gross Receipts from Self-Employment, Business or Businesses	
2	Cost of Sales or Cost of Goods Sold (if applicable)	
3	Gross Profit (Subtract Line 2 from Line 1)	
4	Advertising	
5	Car and truck	
6	Commissions and fees	
7	Deductible meals	
8	Depletion	
9	Depreciation and section 179	
10	Employee benefit programs	
11	Entertainment	
12	Insurance (other than health)	
13	Interest	
14	Legal and professional	
15	Mortgage on building or office space (paid to banks, etc.)	
16	Office expense	
17	Other	
18	Pension and profit-sharing plans	
19	Rent	
20	Repairs and maintenance	
21	Supplies	
22	Taxes and licenses	
23	Travel	
24	Meals	
25	Utilities	
26	Wages	
27	Total Business Expenses Per Month Including Cost of Sales (Add Lines 4-26)	
28	Average Gross Monthly Income from Self-Employment or Business (Subtract Line 27 from Line 3)	
29	Average Estimated Tax Payments on a Monthly Basis (Estimated Tax Payments are made on a quarterly basis. As a result, the required quarterly payment would be divided by three to calculate the average monthly estimated tax payment.)	
30	Average Net Monthly Income from Self-Employment or Business (Subtract Line 29 from Line 28)	