

DIVORCE COMPLAINT
WITH MINOR CHILDREN

D – 7

The District Court Filing Office
is located on the first floor at
75 Court Street
Reno, NV 89501

ATTENTION

THIS PACKET IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY

IMPORTANT

If either party is in the military, special rules may apply and it is recommended you seek the advice of an attorney.

Counsel Is Always Recommended For Legal Matters

The law allows any person to represent himself or herself in a legal action. However, filing papers with the court and representing yourself in the courtroom can involve complicated legal issues. This packet does not address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet including the definitions of terms.

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**DIVORCE COMPLAINT
(WITH MINOR CHILDREN)
PACKET D7**

**GENERAL INFORMATION REGARDING FILING A
DIVORCE COMPLAINT**

This packet DOES NOT contain all the documents needed to complete your divorce. The necessary documents AND THE PROCEDURE to complete your divorce will depend upon the following circumstances:

If the other party files any kind of an “Answer” or an “Answer and Counterclaim” to the Complaint and Summons within the 20 day period after it is served on them.

NOTE: If the Summons and Complaint is personally served on the other party, the 20 day period starts to run on the day after personal service. If the Summons is served by publication, the 20 day period for the other party to answer the Complaint starts to run on the day after the last date of publication. For more information on service by publication, see the **E4 Ex Parte Motion for Publication of Summons packet.

**IF THE OTHER PARTY DOES NOT FILE A FORMAL “ANSWER” WITHIN 20 DAYS
AFTER BEING SERVED WITH THE COMPLAINT AND SUMMONS**

If the Defendant does not file a formal “Answer” or “Answer and Counterclaim” of any kind after the 20 days following service, you must then fill out one of the supplemental “Default” packets and submit the documents to the Court for a final review and decision by the Judge. Without these documents, your divorce will not become final and will eventually be dismissed for lack of follow-up on your part.

Prior to filing the Default documents, you must check with the filing clerk’s office to see if the Defendant has filed some kind of an “Answer” and has just not provided you with a copy of it. The Court cannot grant a default divorce if the other party has filed an Answer.

To file for a Default Decree, you will need to fill out and file the **P3 Default Divorce With Children** packet.

IF THE OTHER PARTY FILES DOCUMENTS WITHIN THE 20 DAYS

If the other party files documents in response to the Complaint, they can file either an “Answer” or an “Answer and Counterclaim”. The two are handled very differently by the Court and you must be aware of how both are handled.

**IF THE OTHER PARTY FILES AN “ANSWER” WITHIN THE
20 DAY PERIOD**

If the Defendant files a formal “Answer” within the 20 day period, the other party, or their attorney if they have one, should serve you with a copy of the document either by mail or by personal service. If the Defendant is also trying to represent themselves in the action, however, they may not send you a copy of the Answer. Therefore, it is very important that you check with the filing clerk’s office to see if an Answer has been filed prior to filing any kind of Default documents.

When a Defendant files a formal “Answer” to the Complaint, the case is put on what is called a “trial track”. In other words, since the divorce is a contested action, the ultimate result may be that the issues are going to be heard and decided at a full trial in front of the judge. ***It is usually the responsibility of the Plaintiff to keep the action moving. However, if an attorney is representing the other party, the attorney may take the lead and steer the procedure.***

Depending upon whether there are assets and debts to be divided and just how many and how much they are worth, and whether there will be a legal fight over the custody, visitation and child support of children involved, will govern what kind of formal “discovery” should be conducted, and how it will be conducted. ***It is your responsibility to be aware of the rules that govern such aspects of a divorce as discovery, and the time limits and procedures of discovery.***

For purposes of these self-help documents, your rights and obligations regarding the discovery process are not addressed and you are strongly advised to seek the advice and counsel of a private attorney regarding the procedures and time lines. Discovery is addressed in the Nevada Rules of Civil Procedure and the Rules of the Second Judicial District Court as well as in the pre-trial orders of the court to which your case is assigned. Your case may be seriously compromised if you do not know and follow the Rules.

If minor children are involved in the divorce with custody and visitation issues to be decided, unless unusual circumstances are present, you and the other party will be ordered to attend mediation to see if you can formulate a Parenting Plan for the children. If mediation is unsuccessful, the judge will make the final decision regarding custody and visitation. If there are serious claims that one parent is not fit to be the custodian of the children, the court may appoint an advocate for the children through the Court Appointed Special Advocate program.

You can file your own Request For Mediation through the use of the supplemental packet of the same name. This will shorten the time it takes for an Order For Mediation to issue through the

court.

Either of the parties may file a motion to be exempt from mediation if there has been domestic violence in the relationship or if other circumstances exist of which the court should be aware. Usually, the only exemption is granted for domestic violence reasons. The packet to be used to request an exemption is the **M5 General Motion** packet.

IF THE OTHER PARTY FILES AN “ANSWER AND COUNTERCLAIM”

All of the above instructions apply, **but there is one additional step you must take.** You must file a “Reply To Counterclaim” and to do that, you must use the supplemental packet entitled **A1 Reply To Counterclaim**. Follow the instructions within that packet carefully.

The Reply to Counterclaim must be filed within 20 days of receipt of the counterclaim if it was personally served on you and within 23 days from the postmarked date if it was served on you by mail. *If you do not reply to the counterclaim, the other party may be granted what they ask for in the counterclaim.*

If Your Case Goes To Trial Before A Judge

It is important to remember that if your case goes to trial before a judge, you will be held responsible for knowing the court rules and court etiquette. Divorce cases are highly emotional and each has unique factors to be brought before the court in a manner governed by specific Rules of Procedure. Therefore, it is strongly recommended you seek the advice, counsel and representation of a private attorney. The Family Court Self-Help Center can only give you general guidance on procedure, court etiquette, and your options with the court.

ADDITIONAL PACKETS YOU MAY NEED

If You Do Not Know Where The Defendant Is

If you do not know where the Defendant lives, or where the Defendant can be found so that the documents can be served personally on the Defendant, you need to fill out and file the Divorce Supplement Packet **E4 Ex Parte Motion for Publication of Summons**. If the judge determines that you have made a good faith attempt (called "due diligence") to locate the Defendant, the judge will sign an order allowing the Defendant to be served by "publication". In other words, by publishing the Summons in the newspaper for four consecutive weeks, at least one time per week. You will be further ordered to mail another copy of the Summons and Complaint to the Defendant's last known address, by certified mail, return receipt requested. *Do not publish or mail the documents to the Defendant without first obtaining an Order from the Court through the Ex Parte Motion For Publication packet.*

If You Are Requesting Temporary Spousal Support and Money To Retain an Attorney

You will need the **M2 Motion For Temporary Spousal Support and Preliminary Attorney's Fees** packet.

If You Want The Community Assets Protected During The Divorce Proceedings

You will need the **E3 Ex Parte Motion for Mutual Restraining Order** packet. When the Court enters this order, it prohibits both parties from wasting or hiding community assets and prohibits both parties from changing things like insurance policies.

If You Want Temporary Child Custody and Temporary Child Support

If there are minor children involved and the child support issue has not been addressed through any legal way, such as through the District Attorney's Family Support Division, this may be the time additional motions should be filed for such things as temporary child support, temporary spousal support, preliminary attorney's fees, etc. For more information regarding these additional motions, you should consult a private attorney or talk with the Family Court Self-Help Center regarding your options.

GENERAL INFORMATION ON FILLING OUT THE FORMS

The packets are designed for you to fill in the blanks. Do not leave any empty spaces. If there are spaces that do not apply to your case or your set of circumstances, print "not applicable" or "NA" in the space.

Use black ink. Colored ink, including blue ink, may not be accepted by the filing clerk or the Court.

PRINT NEATLY. If the pleadings cannot be easily read, they may not be accepted by the filing clerk and they will not be accepted by the Court.

The Court will not accept any documents with Wite-Out or any other correction fluid/tape on them. Simple mistakes may be corrected by drawing a line through the mistaken information and initialing over the line.

Be sure to keep the document pages in order.

READ ALL THE INSTRUCTIONS ABOUT YOUR PARTICULAR PACKET AND REVIEW THE DOCUMENTS CAREFULLY *BEFORE* YOU START TO FILL IN THE SPACES. This cannot be emphasized strongly enough. Not correctly completing just one small step may have a severe negative effect on your case.

COPYING OF DOCUMENTS

The filing clerk's office has no facilities for making copies of your documents when you file them in and you will need to take with you *the original and two copies* of the documents you are filing, one for you and one to be served on the other party. When you file documents, the file clerk will keep the original document and file stamp your copies that you bring with you. If you don't bring your copies with you, you will have no copy for yourself and no copy to serve on the other party.

If you do need copies, and the filing clerk has the time to make copies for you, the clerk must charge you \$1.00 *per page* for any copies made.

INSTRUCTIONS FOR FILLING OUT FORMS

CAREFULLY READ THROUGH ALL OF THE INSTRUCTIONS BEFORE
STARTING TO FILL OUT ANY OF THE FORMS.

*Use black ink only to fill out the forms and neatly
print the information requested.*

*Do not use Wite-Out or other correction fluid/tape on the forms.
They will not be accepted by the Filing Clerk's Office if correction fluid/tape is used.*

Included in this packet are the following documents:

1. A Civil Cover Sheet
2. A Family Court Information Sheet
3. A Personal Case Information Form
4. A Financial Disclosure Form
5. A Complaint For Divorce (with Children)
6. A Declaration of Resident Witness
7. 2 Summons Forms

The penalty for making a false statement in a declaration that is made under penalty of perjury is a minimum of 1 year and a maximum of 4 years in prison, with the possibility of an additional fine of \$5000 or more if authorized or required by statute. See N.R.S. §199.145

FILLING OUT THE DOCUMENTS

The Civil Cover Sheet

Starting at the top, leave the Case No. blank. When you file the documents with the filing clerk, a case number and a department number will be assigned.

Fill in your name address and telephone number in the space for Plaintiff. Fill in the name, address and telephone number of the other party in the space for Defendant. If you do not know the address and telephone number of the Defendant, write “unknown” in the space provided.

Under the heading, “Marriage Dissolution Case,” check the box labeled “**Divorce -With children – DC.**”

You must sign and date the document at the bottom of the page.

The Family Court Information Sheet

Print your name on the line for Plaintiff and the other party’s name on the line for Defendant. Leave the Case No. blank and Dept. No. blank. When you file the documents with the filing clerk, a case number and a department number will be assigned.

Fill in your name and the Defendant’s names, Social Security Numbers and dates of birth. If you or the Defendant do not have a Social Security number, print “do not have one” on the line for the number. Complete the form as directed.

Complete the form filling in all the information you can on yourself, the Defendant and the children. If any children listed do not have Social Security numbers, print “do not have one” on the line for the number.

The Personal Case Information Form

Fill in your name, address and telephone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party’s name on the line for Defendant. Leave the Case No. blank and Dept. No. blank. When you file the documents with the filing clerk, a case number and a department number will be assigned. Fill in all of the information requested on the form.

This form gives the court important and necessary information regarding such things as the education of both parties, the employment status of both parties, the names and ages of children both of the marriage and other dependents of the parties. Most importantly, however, this form tells the court whether or not it has jurisdiction to enter orders concerning the custody and visitation of the children and whether there have ever been any other legal actions concerning you, the Defendant, and the children involved in this matter.

The Financial Disclosure Form

Fill in your name, address and telephone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party's name on the line for Defendant. Leave the Case No. blank and Dept. No. blank. When you file the documents with the filing clerk, a case number and a department number will be assigned.

Review the document carefully prior to attempting to answer the questions. This form focuses on your employment, income and expenses as they are *at this moment in time*. This is a snapshot of your financial status as you fill out this form, not your financial status as it was in the past or what it will be in the future.

The income and expenses are based on your *monthly* income and expenses. Those items that you pay every few months should be averaged as to their monthly cost. For instance, if you pay your car insurance every six months, your monthly expense for the insurance would be 1/6th of your payment.

If you do not know the approximate value of such things as a vehicle or a house, state "unknown". Do not guess as to values of major property. It is important to remember that the value of such things as furniture and clothes is not the replacement value or the original cost. The value is what one would pay for such things in a second hand store or a thrift store.

The Complaint For Divorce

Fill in your name, address and telephone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party's name on the line for Defendant. Leave the Case No. blank and Dept. No. blank. When you file the documents with the filing clerk, a case number and a department number will be assigned.

Follow the directions printed on the Complaint For Divorce very carefully. If the custody, visitation and support information is not complete, the divorce cannot be granted.

Be sure you are familiar with the terms and the definitions regarding child custody and visitation. Also, be sure you know how the child support must be figured, according to the Child Support Statutes.

Declaration of Resident Witness

Fill in your name, address and telephone number in the upper left corner.

Fill in your name as the Plaintiff and the other party's name as the Defendant. Leave the Case No. blank and Dept. No. blank. When you file the documents with the filing clerk, a case number and a department number will be assigned.

Do not fill in any other part of the Declaration. The rest of the Declaration must be filled in by the person who is going to declare that you have been in the State of Nevada for at least six (6) weeks prior to filing any of the documents. YOU CANNOT BE YOUR OWN RESIDENT WITNESS.

Two Summons Forms

On both copies of the Summons:

1. Print your name as the Plaintiff and the other party's name as the Defendant.
2. Fill in "Divorce" as the object of this action on the line provided in the middle of the form.
3. Print your name, address and telephone number in the space on the bottom left side of the Summons
4. On the second page of the Summons, if there are other documents to be served along with the complaint or petition, list those documents on the lines under the heading (If other documents are also served, list here). **Do not fill in any other lines/information at this time. Leave all other spaces blank.**

Copying And Filing The Documents

Make two (2) copies of all documents *except* the Summons forms.

There are no facilities for making copies at the filing clerk's office. The filing clerks, if they have time, may make your copies, but they must charge you \$1.00 *per page* for any copies made.

Take all of the originals **and the copies** of the documents, as well as both of the Summons forms to the filing clerk's office to be "filed in." The filing clerk's office is located on the first floor of the courthouse located at 75 Court Street, Reno, NV. There will be a filing fee payable when you file the documents. Check with the filing clerk's office to verify the filing fee. Their number is (775) 328-3110.

FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file the application found in the **F6** or **F6JP** fee waiver packet.

The **F6** and **F6JP** fee waiver packets may be obtained in the following locations:

- Family Court Self Help Center, 1 South Sierra Street, Reno, NV
- Filing Clerk's Office, 75 Court Street, Reno, NV
- www.washoecourts.com

The filing clerk will take the original **and the copies** of the Civil Cover Sheet, the Family Court Information Sheet, the Personal Case Information Form, the Financial Disclosure Form, the Complaint for Divorce and the Declaration Of Resident Witness and assign them a case number and department number and file them in. The clerk will keep the original of all the documents and return the file stamped copies to you.

The filing clerk will then "issue" the Summons. In "issuing" the Summons, the file clerk will fill in the Case Number, the Department Number, and date of issuance. The deputy clerk will sign the bottom right line and on the original Summons, the clerk will place a raised stamp. The copy will not have a raised stamp on it. It is important for you to recognize the original Summons from the copy of the Summons.

SERVING THE DOCUMENTS

Personal Service

Staple the **copy** of the Summons to a copy of the Complaint along with a copy of all other documents you have filed with the Court. If additional motions have been filed with the Complaint, such as a Motion For Temporary Spousal Support and Preliminary Attorney's Fees, a copy of those motions must also be included. This is the packet of documents that must be **personally** served on the other party. **Someone other than you must make service on the other party.**

Service may be made:

1. By the Civil Division of the Sheriff's Office in the County in which the Defendant Resides or works; or,
2. By a responsible adult over the age of 18 years, such as a friend or relative; or,
3. By a private process service.

After service is completed on the other party, the Declaration of Service on the back of the **original** Summons must be filled out and signed by the party making the service. If service is accomplished by the Sheriff's Office or a private process service, they will fill out the **original** Summons and file it with the filing clerk. If a friend serves the documents, the friend must fill out the Declaration of Service and sign it and it is your responsibility to see to it that it is filed with the filing clerk. Without proof of service on the other party, the court cannot grant a decree of divorce. The other party now has twenty (20) days in which to file an Answer to the Complaint.

Service By Publication

If you do not know where the other party is, you will need the supplemental packet entitled **E4 Ex Parte Motion for Publication of Summons** in order to serve by publishing the Summons in the newspaper. Carefully follow the directions and instructions for service of the documents as they are written in that packet.

IMPORTANT:

*Service on the other party, either in person or by publication, **MUST BE MADE** within ONE HUNDRED TWENTY DAYS (120) days after the Complaint is filed and the Summons issued or the action may be dismissed.*

After Service Is Completed

How your case will be handled after service of the Complaint and Summons is completed on the Defendant will depend entirely on whether an Answer or Answer and Counterclaim is filed by the Defendant.

Nothing happens automatically in a divorce case. It is your responsibility to keep the case moving.

It is strongly recommended that you seek the advice, counsel and representation of a private attorney. The Family Court Self-Help Center, located in the Courthouse at 1 South Sierra Street on the first floor, can give you general guidance on procedure.

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.

Child Custody: There are two kinds of custody, “legal” custody and “physical” 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 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 may 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 extreme and unusual cases and circumstances.

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.***

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.

Habitual Residence: The state where the child or children have lived for at least the past six months.

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.

Motion: A request to the court, by one party, to enter an order requiring the other party to do something, or, to prevent the other party from doing something, or, for a clarification or reconsideration of an order that has already issued from the court. For example, the motion may request the court to:

1. Order the other party to do something
2. Prevent the other party from doing something
3. To review and/or change child support
4. To allow the custodial parent to relocate with the children
5. To change provisions of the custody and visitation order or agreement
6. Make the terms of a prior order clearer or easier to understand

This list is only an ***example*** of those things that can be addressed in a motion. Unless the motion is an ***ex parte motion***, the motion must be served on the other party and the other party must have an opportunity to file a “response” or “opposition” to the motion.

An ex parte motion is one that is presented to the court without notice to the other party that it is being filed and requests that an immediate order issue from the court without any notice to the other party and without the other party being able to respond to the motion before the order is entered. Usually, the ex parte motion is used only when there is an immediate, physical, danger to children. However, an ex parte motion may also be used in a disputed divorce to protect the assets of the community by preventing both parties from selling, or hiding, or transferring, or giving the assets away. Ex parte motions are extremely rare.

Moving Party: The person who files a motion or brings an action against another party. The moving party may be either the plaintiff or the defendant, or the petitioner or the respondent. For instance, a defendant may file a motion against the plaintiff in an action.

Order To Show Cause Regarding Contempt: When one party is not obeying a court order, the other party may bring a contempt charge against that party. The court will issue the order directing the party charged with not obeying the order to appear and “show cause” why they should not be held in contempt. The moving party, or the one bringing the contempt must prove three things: (1) that there exists a valid court order regarding the issue; (2) that the other party has the ability to obey the order; and, (3) the other party simply chooses not to obey the order. If the party is found in contempt of the court order, the party can be punished. Punishment may range from a fine to jail time.

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

Property: Following are terms associated with property.

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.*

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.*

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.*

Relocation or Moving Out Of The Sate With Children The law is clear on a parent’s relocation with the children. The custodian that wants to relocate out of the State, ***must, before the move,*** either have the other parent’s written permission to move out of the State, or, a court order allowing the move if the other parent will not give written permission for the move. The parent wishing to move must file a Motion For Relocation and serve the other parent with the Motion. Leaving the State with the children without either written permission from the other parent or an order from the court allowing the relocation may be the basis for a change of custody of the children and may be prosecuted as a crime. ***Before leaving the area or State with children, it is urged that you seek the advice of an attorney.***

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.

Reply to Response or Reply to Opposition: The person who files a motion with the court, has an opportunity to “reply” to the formal “response” or “opposition” to their motion, if one is filed by the opposing party. This “reply” is filed by the “moving party”.

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 Declaration 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.

- Resident Witness: A person that will swear under oath or on the Declaration of Resident Witness that one of the parties has been physically present in the State of Nevada for a period of at least six (6) weeks immediately prior to the filing of the Complaint or Petition. The Resident Witness may be a friend, a family member or a co-employee.
- Response or Opposition: An answer to a motion that has been filed and served. The person upon whom the motion has been served has ten (10) days to file a formal “response” or “opposition” to the motion if the motion is personally served on them and thirteen (13) days from the date of mailing in which to file a formal “response” or “opposition” if the motion is mailed to them. If no formal “response” or “opposition” is filed, in some counties, the person making the motion may then request to have their motion submitted to the judge for a decision and the judge can grant the person everything they asked for in the motion. See also “default”.
- 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 person who owes the support. The payment is then sent by the employer to the State Collection and Disbursement Unit or to the District Attorney’s Office Family Support Unit who will send it to the person who is owed the child support.

CHILD SUPPORT STATUTES

NRS 125B.070 Amount of payment: Definitions; adjustment of presumptive maximum amount based on change in Consumer Price Index.

1. As used in this section and [NRS 125B.080](#), unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

- (1) For one child, 18 percent;
- (2) For two children, 25 percent;
- (3) For three children, 29 percent;
- (4) For four children, 31 percent; and
- (5) For each additional child, an additional 2 percent,
of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of [NRS 125B.080](#).

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is: **(SEE ATTACHED SCHEDULE)**

If a parent's gross monthly income is equal to or greater than \$14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is \$800.

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "Office of Court Administrator" means the Office of Court Administrator created pursuant to [NRS 1.320](#).

(Added to NRS by 1987, 2267; A 1991, 1334; [2001, 1865](#); [2003, 101, 342](#))

NRS 125B.080 Amount of payment: Determination. Except as otherwise provided in [NRS 425.450](#):

1. A court of this State shall apply the appropriate formula set forth in [NRS 125B.070](#) to:

- (a) Determine the required support in any case involving the support of children.
- (b) Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in [NRS 125B.070](#). If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax

returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in [NRS 125B.070](#), any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of [NRS 125B.070](#) or [NRS 425.450](#) or as a result of a review conducted pursuant to subsection 1 of [NRS 125B.145](#), must be based upon changed circumstances.

4. Notwithstanding the formulas set forth in [NRS 125B.070](#), the minimum amount of support that may be awarded by a court in any case is \$100 per month per child, unless the court makes a written finding that the obligor is unable to pay the minimum amount. Willful underemployment or unemployment is not a sufficient cause to deviate from the awarding of at least the minimum amount.

5. It is presumed that the basic needs of a child are met by the formulas set forth in [NRS 125B.070](#). This presumption may be rebutted by evidence proving that the needs of a particular child are not met by the applicable formula.

6. If the amount of the awarded support for a child is greater or less than the amount which would be established under the applicable formula, the court shall:

- (a) Set forth findings of fact as to the basis for the deviation from the formula; and
- (b) Provide in the findings of fact the amount of support that would have been established under the applicable formula.

7. Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances.

8. If a parent who has an obligation for support is willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation must be based upon the parent's true potential earning capacity.

9. The court shall consider the following factors when adjusting the amount of support of a child upon specific findings of fact:

- (a) The cost of health insurance;
 - (b) The cost of child care;
 - (c) Any special educational needs of the child;
 - (d) The age of the child;
 - (e) The legal responsibility of the parents for the support of others;
 - (f) The value of services contributed by either parent;
 - (g) Any public assistance paid to support the child;
 - (h) Any expenses reasonably related to the mother's pregnancy and confinement;
 - (i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;
 - (j) The amount of time the child spends with each parent;
 - (k) Any other necessary expenses for the benefit of the child; and
 - (l) The relative income of both parents.
- (Added to NRS by 1987, 2267; A 1989, 859; 1991, 1334; 1993, 486; 1997, 2295; [2001, 1866](#))

CHILD SUPPORT WHEN PARENTS ARE SHARING

JOINT PHYSICAL CUSTODY

OR

WHEN THE CHILDREN ARE GOING TO BE SPLIT BETWEEN PARENTS

The Nevada Supreme Court set out an additional formula to that found in the child support statutes for parents who share joint physical custody of their children or who are going to split the custody of the children.

Joint physical custody presumes the child is going to spend an approximate equal amount of time with each parent.

Split custody is when one parent has the physical custody of more children than the other parent. For instance: In a family of three children: Father has primary physical custody of two children and Mother has primary physical custody of one child.

Joint Physical Custody

The Court directed that the child support be figured according to the percentage as stated in NRS 125B.070 and the parent earning the most pays the parent earning the less, the difference. At the present time, \$100 per month, per child is the minimum even if a parent is not working.

For example: If parents are sharing joint physical custody of one child and mother is not working, the child support would be figured as follows:

18% of Father's gross monthly income

\$100 for Mother's obligation

The difference between the two would be the child support Father would pay to Mother.

Another example: If parents are sharing joint physical custody of two children and both parents are working:

25% of Father's gross monthly income

25% of Mother's gross monthly income

The parent who earns the most would pay the parent who makes the less the difference.

Split Custody

Both parents have a support obligation to the other and it must be figured according to the statutory formula.

For example: There are 3 children of the family. Father has the primary physical custody of 2 and Mother has the primary physical custody of 1.

Mother would have an obligation of 25% of her gross income for the two children who primarily live with Father.

Father would have an obligation of 18% of his gross income for the one child who primarily lives with Mother.

Subtract the less from the greater and the difference is paid to the parent who has the lesser obligation.

Some figures on the example:

Mother's gross monthly income is \$1600.

25% of that is \$400 - that is mother's obligation for the 2
children living with father

Father's gross monthly income is \$1700.

18% of that is \$306 - that is father's obligation for the 1
child living with mother

Therefore, Mother would pay Father the difference - \$94 a month in child support.

Please note: If the presumptive maximum is in the equation, that figure is used after the difference is figured.

IMPORTANT REMINDER

The deviations listed in NRS 125B.080 still may be figured into the formula to increase or decrease the child support obligation.

**PRESUMPTIVE MAXIMUM AMOUNTS (PMA) OF CHILD SUPPORT
EFFECTIVE JULY 1, 2011 - JUNE 30, 2012**

NRS 125B.070

*PMA increased 1.5% pursuant to the Consumer Price Index (all items) increase
in Calendar Year 2010 (December - December) as published by the U.S. Department of Labor
<http://www.bls.gov/cpi/#tables>*

<u>INCOME RANGE</u>		<u>PRESUMPTIVE MAXIMUM AMOUNT (PMA)</u>
<i>If the Parent's Gross Monthly Income is at Least</i>	<i>But Less Than</i>	<i>The PMA the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 is</i>
\$0	- \$4,235	\$630
\$4,235	- \$6,351	\$693
\$6,351	- \$8,467	\$758
\$8,467	- \$10,585	\$819
\$10,585	- \$12,701	\$883
\$12,701	- \$14,816	\$945
\$14,816	- No Limit	\$1,010

These amounts are determined and issued by the Administrative Office of the Courts on or before April 1 each year in accordance with the provisions of NRS 125B.070 (3). Please contact Deanna Bjork at (775) 684-1708 if you have any questions on how the PMA was calculated. Contact your district court if you have questions on how the amounts are applied based on circumstances.

Historical PMA are available on the Nevada Judiciary's website at www.nevadajudiciary.us. Type in the word "presumptive" in the search field.

IMPORTANT
BEFORE
YOU START

READ ALL INSTRUCTIONS
CAREFULLY

DO NOT use Wite-Out®

or other correction fluid/tape on the documents.
The Filing Office will not accept documents with
Wite-Out® or other correction fluid/tape on them.

Use Black Ink

PRINT all information neatly

CIVIL (FAMILY-RELATED) COVER SHEET

Washoe County, Nevada

Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff/Petitioner (name/address/phone): _____

Date of Birth (DOB): _____
Attorney (name/address/phone): _____

Defendant/Respondent/Co-Petitioner (name/address/phone): _____

Date of Birth (DOB): _____
Attorney (name/address/phone): _____

II. Nature of Controversy (Place X in applicable bold category and another in applicable subcategory, if available)

Family-Related Cases

Domestic Relations

Guardianship

- Marriage Dissolution Case**
 - Annulment - AN
 - Divorce – With children - DC
 - Divorce – Without children - DO
 - Foreign Decree - FD
 - Joint Petition – With children - JC
 - Joint Petition – Without children - JN
 - Separate Maintenance – LS
- Support/Custody/Visitation – CU**
- UIFSA Case (formerly URESA) – UF**
- Adoptions**
 - Adult - AA
 - Minor – AM
- Paternity - PY**
- Termination of Parental Rights**
 - State - TS
 - Private – TV
- Miscellaneous Domestic Relations**
 - Name Change – Minor - NM
 - Permission to Marry - MM
 - Other Family – OF

- Guardianship of an Adult - GA**
- Guardianship of a Minor - GB**
- Guardianship Trust - OG**

Other Family-Related Case Filing Types

- Mental Health – IC**
- Request for Temporary Protective Order**
 - Children - TC
 - No Children - TP
- Miscellaneous Juvenile**
 - Emancipation - EM

Children involved in this case:

Name: _____
Name: _____
Name: _____

Date of Birth (DOB): _____
Date of Birth (DOB): _____
Date of Birth (DOB): _____

Date

Signature of Preparer

For Clark and Washoe Counties, please use their family court cover sheet for family-related case filings. Please see the Family Court Clerk in those counties for copies of their forms.

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

3 **CONFIDENTIAL**
4 **FAMILY COURT INFORMATION SHEET**

4 _____,
5 Plaintiff/Petitioner,
6
7 vs.
8
9 _____,
10 Defendant/Respondent.

Case No. _____
Dept. No. _____

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

11 **IF THIS CASE INVOLVES CHILDREN, PLEASE COMPLETE THE FOLLOWING:**

12 Residential Address: _____ Residential Address: _____

13 Mailing Address: _____ Mailing Address: _____
14 City, State, Zip: _____ City, State, Zip: _____

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

18 Business Address: _____ Business Address: _____
19 City, State, Zip: _____ City, State, Zip: _____

20 Telephone #: _____ Telephone #: _____
21 Driver's License #: _____ Driver's License #: _____
22 Date of Birth: _____ Date of Birth: _____

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

27 **CHILDREN INVOLVED IN THIS CASE**

28 Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____

29 If there are more than five children, list their names on a separate sheet of paper and attach.

30 Does this case involve family violence: [] Yes [] No

31 Are you requesting Child Support Enforcement Services
32 from the District Attorney's Office (IV-D) Services? [] Yes [] No

33 Court Personnel Only: [] Custodial Parent [] Non-Custodial Parent

This document contains the social security number of a person as required by NRS 123.130, NRS 125, 230, and NRS 125B.055

Code: 3385

Name: _____

Address: _____

Telephone: _____

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

Plaintiff/Petitioner

Case No. _____

vs

Dept No. _____

Defendant/Respondent

PERSONAL CASE INFORMATION
as required under the Uniform Child Custody Jurisdiction Act

This document is submitted by: _____
(Your name)

Wife/Mother Information

Husband/Father Information

Name: _____

Name: _____

Address: _____

Address: _____

Place of Employment: _____

Place of Employment: _____

Address of Employer: _____

Address of Employer: _____

Age: _____

Age: _____

Education: _____ Education: _____

Date of Marriage (if applicable) _____

Date of Separation (if applicable) _____

CHILDREN BORN TO THIS MARRIAGE OR RELATIONSHIP

Name	Date of Birth/Age	With Whom Child Resides/ How Long There
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**OTHER DEPENDANTS FOR WHOM YOU ARE RESPONSIBLE
(Including other children who are not of this marriage or relationship)**

Name	Date of Birth/Age	With Whom That Person Resides/How Long
_____	_____	_____
_____	_____	_____
_____	_____	_____

=====

Only for each child directly involved in these proceedings, the residence of the child, and with whom the child has lived, must be traced for the past five (5) years. Start with the current address of the child and with whom the child is presently living and continue tracing where the child has lived, and with whom the child has lived prior to the present, for the past five (5) years. If more space is needed, please attach additional sheets or request additional sheets from the Facilitator's Office.

CHILD NUMBER 1

Child's Full Name: _____

Present Address: _____

Date child moved to the present address: _____

Child currently lives with: (check one)

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child is presently residing with adults other than parents, please state who the adults are and their relationship to the child.

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====

Child's address prior to the address listed above: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====

CHILD NUMBER 2

Child's Full Name: _____

Present Address: _____

Date child moved to the present address: _____

Child currently lives with: (check one)

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child is presently residing with adults other than parents, please state who the adults are and their relationship to the child.

=====

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====

Child's address prior to the address listed above: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====

CHILD NUMBER 3

Child's Full Name: _____

Present Address: _____

Date child moved to the present address: _____

Child currently lives with: (check one)

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child is presently residing with adults other than parents, please state who the adults are and their relationship to the child.

=====

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====
Child's address prior to the address listed above: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====

CHILD NUMBER 4

Child's Full Name: _____

Present Address: _____

Date child moved to the present address: _____

Child currently lives with: (check one)

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child is presently residing with adults other than parents, please state who the adults are and their relationship to the child.

=====

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

=====

Child's address prior to the address listed above: _____

How long did the child live at that address: _____

With whom did the child live at that address?

_____ Mother _____ Father _____ Both parents _____ Adults other than parents

If the child lived with someone other than the parents, please state with whom the child resided and their relationship to the child.

Please answer each of the following questions.

=====

1. Have you participated in any way in any kind of litigation or court action concerning the custody of any of the children involved in this proceeding?

_____ **NO** _____ **YES**

2. Do you have any information of ANY CUSTODY PROCEEDING concerning the child/children that is now pending in a court of this State or any other State?

_____ **NO** _____ **YES**

3. Do you know of any person who is not a party to these proceedings who has physical or legal custody of the child/children or claims to have custody or visitation rights to the child/children involved in this case?

_____ **NO** _____ **YES**

2. Name of Court in which the action was filed: _____

Location of Court (County & State): _____

Parties involved: _____

Case Number: _____ Type of action: _____

Date case filed: _____ Date case closed: _____

3. Name of Court in which the action was filed: _____

Location of Court (County & State): _____

Parties involved: _____

Case Number: _____ Type of action: _____

Date case filed: _____ Date case closed: _____

4. Name of Court in which the action was filed: _____

Location of Court (County & State): _____

Parties involved: _____

Case Number: _____ Type of action: _____

Date case file _____ Date case closed: _____

This document does not contain the Social Security Number of any person.

I declare, under penalty of perjury under the law of the State of Nevada,
that the foregoing is true and correct.

Dated this _____ day of _____, 20_____.

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

CODE: _____

Nevada Bar No. _____

Attorney for _____

IN THE FAMILY DIVISION
OF THE _____ JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF _____, STATE OF NEVADA

Plaintiff or Petitioner

Case No. _____

Defendant or Respondent

Dept. No. _____

FINANCIAL DISCLOSURE FORM

Financial Statement of: _____

First name Middle Last name

Occupation: _____

Employed by: _____ From: _____ To: _____

Previously Employed by: _____ From: _____ To: _____

Age & Date of Birth: _____

Level of Education: _____

Level of Disability, If Any: _____

Marriage Date, If Applicable: _____

Present Home Address: _____

How many adults (over 18) live with you? _____

How much do you receive from each of them each month? _____

I have paid my attorney a retainer of \$ _____; and his/her hourly rate is \$ _____

I am the _____ Plaintiff/Petitioner _____ Defendant/Respondent in the above action. I swear under penalty of perjury, that the contents of this Financial Declaration are true to the best of my knowledge as of this date. I understand that by my signature I verify the material accuracy of the contents. I also understand that any willful misstatements may be contemptuous and could result in my punishment by the Court. I understand I have a duty to supplement this form upon discovering additional assets or debts or upon changed circumstances within 10 days of discovery.

I declare under penalty of perjury that the foregoing and following are true and correct.

Executed on _____ Signature _____

Case No. _____
 Dept No. _____

PERSONAL INCOME SCHEDULE

IF SELF-EMPLOYED OR BUSINESS OWNER PLEASE FILL IN THE BUSINESS INCOME/EXPENSE SCHEDULE

YOUR OWN INCOME		AMOUNT
EMPLOYMENT INCOME (if paid weekly multiply by 52 and divide by 12; if paid every two weeks, multiply by 26 and divide by 12)		NOTE: ATTACH COPIES OF YOUR THREE MOST RECENT PAY STUBS.
1	Average Gross Monthly Income from Employment (all employment income including salary \$ _____ + bonuses \$ _____ + overtime \$ _____ + commissions \$ _____ + tips \$ _____ + other \$ _____) =	
2	Average Monthly Paycheck Deduction-Income Taxes	
3	Average Monthly Paycheck Deduction-Social Security	
4	Average Monthly Paycheck Deduction-Medicare	
5	Average Monthly Paycheck Deduction-Health Insurance	
6	Average Monthly Paycheck Deduction-Retirement Plan or 401(k)	
7	Average Monthly Paycheck Deduction-Savings Account	
8	Average Monthly Paycheck Deduction(s)-Other	
9	Total Paycheck Deductions per Month (Add lines 2-8 above)	
10	Average Net Monthly Income from Employment (Subtract line 9 from line 1)	
OTHER INCOME		
11	Monthly Spousal Support/Alimony Awarded by a Court	
12	Monthly Child Support: court ordered \$ _____ + other/voluntary child support \$ _____ =	
13	Investment Income (Dividends, interest and capital gains)	
14	Rental Income (Enter the Amount of Depreciation Claimed in Computing Rental Income Here: \$ _____)	
15	Retirement Income Including Defined-Benefit Distributions, 401(k) Distributions, military retirement	
16	Social Security Retirement	
17	Social Security Disability/military disability	
18	Supplemental Security Income (SSI)	
19	Unemployment Benefits	
20	Workers Compensation Payments	
21	Other Sources of Income (Describe: such as direct contributions from roommates or indirect payment of expenses by roommates)	
22	Total Other Income Per Month (Add lines 11-21)	
23	TOTAL INCOME PER MONTH (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	Mortgage or Rent: 1st Mtg. \$ _____ + 2nd Mtg. \$ _____ + line of credit \$ _____ + taxes \$ _____ + insurance \$ _____ =	
2	Utilities: Gas/Oil \$ _____ + electricity \$ _____ + TV/cable \$ _____ + water \$ _____ + garbage \$ _____ =	
3	Telephone: landline \$ _____ + cellular \$ _____ + Internet \$ _____ + fax \$ _____ + other \$ _____ =	
4	Food, Groceries & Incidentals (not including entertainment or dining out)	
5	Transportation: monthly payment/lease \$ _____ + gas and oil \$ _____ + repairs and maintenance, tires \$ _____ + insurance \$ _____ + license/registration; \$ _____ + parking \$ _____ + public transportation \$ _____ + other \$ _____ =	
6	House Maintenance: housekeeping \$ _____ + garden/lawn care \$ _____ + snow removal \$ _____ + repairs & maintenance \$ _____ + other \$ _____ =	
7	Entertainment: dining out \$ _____ + movies, shows \$ _____ + music/videos \$ _____ + other \$ _____ =	
8	Dues, Memberships, Fees: Professional \$ _____ + memberships (health club country club) \$ _____ + homeowners \$ _____ + fraternal \$ _____ + business \$ _____ + other \$ _____ =	
9	Health/exercise: clothing/shoes \$ _____ + fees/passes (health clubs etc.) \$ _____ + other \$ _____ =	
10	Clothing: self \$ _____ + children \$ _____ + cleaning \$ _____ =	
11	Vacations	
12	Pets: Food \$ _____ + boarding \$ _____ + healthcare \$ _____ + grooming \$ _____ + other \$ _____ =	
13	Healthcare: Insurance \$ _____ + unreimbursed; medical \$ _____ + dental \$ _____ + orthodontic \$ _____ + medications \$ _____ + counseling \$ _____ + physical therapy \$ _____ + chiropractic \$ _____ + other \$ _____ =	
14	Appearance: hair \$ _____ + nails \$ _____ + facials/massage \$ _____ + cosmetics \$ _____ + other \$ _____ =	
15	Insurance: life \$ _____ + disability \$ _____ + other \$ _____ =	
16	Books, Newspapers & Magazines	
17	Church/Charitable	
18	Accounting & Tax Preparation	
19	Support of Others: Ordered Child Support \$ _____ + voluntary child support \$ _____ + court ordered spousal support \$ _____ + eldercare \$ _____ =	
20	Miscellaneous: Gifts \$ _____ + storage \$ _____ + flowers \$ _____ + savings \$ _____ + Lawyers fees \$ _____ + Other \$ _____ =	
21	Education: Tuition, Books & Fees \$ _____ + extracurricular \$ _____ + sports \$ _____ + music \$ _____ + other \$ _____ =	
22	Childcare: day care \$ _____ + preschool \$ _____ + other \$ _____ =	
23	Minimum Charge Card Payments and other consumer/installment debt: credit card #1 \$ _____ + credit card #2 \$ _____ + credit card #3 \$ _____ + credit card #4 \$ _____ + other debt \$ _____ =	
24	TOTAL MONTHLY EXPENSES (Add lines 1-23 above)	

Case No. _____

Dept. No. _____

INCOME/EXPENSE SUMMARY SCHEDULE

Total Monthly Income from Personal Income Schedule Line
23

Add: Total Average Net Monthly Income from Self-
Employment or Business Schedule Line 30

Less: Total Monthly Expenses from Personal Expense
Schedule line 24

Net Monthly Income or (Loss)

ASSET AND DEBT SCHEDULE

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. Note: In general, Separate Property is defined as that acquired before marriage, or after marriage by gift or inheritance		PROPERTY VALUE (List all assets and debts @ current values)			
		TOTAL	COMMUNITY	SEPARATE	
				HUSBAND	WIFE
ASSETS:					
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	Subtotal				
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	Subtotal				
BUSINESS INTERESTS: If you own all or part include. Indicate percentage of ownership here.					
9					
10					
11	Subtotal				
RECEIVABLES, & DEPOSITS					
12					
13	Subtotal				
REAL PROPERTY: Provide common address and type of property e.g. condominium, townhouse, single-family residence, commercial or retail.					
14					
15					
16					
17					
18	Subtotal				
AUTOS & RECREATIONAL VEHICLES: Provide make, model, mileage, and vehicle identification number.					
19					
20					
21					
22					
23					
24	Subtotal				
PERSONAL PROPERTY: Provide information on furniture, electronics, household goods, tools computers, artwork, precious metals and jewelry having a value of \$500 or greater.					
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32					
33					
34					
35	Subtotal				

ASSET AND DEBT SCHEDULE

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. Note: In general, Separate Property is defined as that acquired before marriage, or after marriage by gift or inheritance		PROPERTY VALUE (List all assets and debts @ current values)			
		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	Subtotal				
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	Subtotal				
44	TOTAL ASSETS (add lines 4,8,11,13,18,24,35,38, and 43)				
DEBT					
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.					
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47					
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49					
50	Subtotal				
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.					
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59	Subtotal				
60	TOTAL DEBT (add lines 50 and 59)				
61	NET WORTH (TOTAL ASSETS, line 44 MINUS TOTAL DEBT, line 60)				

BUSINESS INCOME/EXPENSE SCHEDULE <i>(Skip this schedule if you are not self-employed or do not own a business.)</i>		AMOUNT PER MONTH
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)	

1 Code: _____
2 Name: _____
3 Address: _____
4 Telephone No. _____
5 Appearing in Proper Person

6
7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10
11 _____ Plaintiff, Case No. _____
12 vs. Dept. No. _____
13 _____ Defendant.
14 _____/

15 **COMPLAINT FOR DIVORCE**
16 **(With Children)**

17
18 Plaintiff, _____, in proper person, and for a cause of
19 action, alleges as follows:
(Your Name)

20 I.

21 Plaintiff is a resident of the State of Nevada, County of _____ and for
22 a period of more than six weeks immediately preceding the commencement of this action, has
23 resided in, been physically present in, and is a resident of the State of Nevada, and intends to
24 continue to make the State of Nevada his/her _____ home for an indefinite period of time.

25 Defendant is a resident of the County of _____,
26 the State of _____ (County where Defendant lives)
27 (State where Defendant lives)

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II.

The parties were married on _____ in _____,
(Date of marriage) (City or County of marriage)

State of _____ and ever since that day have been, and now are, husband and wife.
(State of marriage)

III.

Wife _____ pregnant at this time.
(is or is not)

*If wife is pregnant at this time, answer the following questions.
If wife is not pregnant, print "N/A" in the spaces.*

Husband _____ the father of the unborn child. The unborn child is due to be born
(is or is not)

on _____.
(Date of expected birth)

IV.

*In the following paragraph, list all children born of this union,
whether born prior to marriage or during the marriage.
Include any children who were adopted during the time of the marriage.*

There are _____ minor child(ren) born to or adopted through this union.
(Number of child(ren))

NAME

AGE

DATE OF BIRTH

<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

V.

Children's Residence
In the following paragraph, print each child's name and indicate in what State each child presently resides and how long the child has resided in that State.

The children presently reside in the following State(s):

<u>Name</u>	<u>State of Residence</u>	<u>How Long Child Has Lived in That State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If the children have not been physically present in the State of Nevada for the past six months, STOP HERE. There may be a jurisdictional issue regarding the authority of the court to enter orders concerning custody and visitation of the children and you should seek legal assistance on this matter before continuing.

VI.

Legal Custody of the Children
WARNING: Your choice of custody terms will have a direct effect on your legal rights to your children. Be sure you are familiar with the legal definitions of the different kinds of custody before you choose how custody will be stated in these documents.

The policy of the State of Nevada is to grant parents joint legal custody. Sole legal custody is granted only in extreme or unusual circumstances.

Initial only ONE of the following statements and print "N/A" in the other space.

WARNING: If you select SOLE CUSTODY, you must describe facts that demonstrate the other parent is not fit to have joint legal custody and you may be required to appear in court to justify your choice of sole legal custody.

Initials Mother and Father are fit and proper persons to share joint legal custody of the minor child(ren) whose names are: _____

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-OR-

_____ is a fit and proper person to have sole legal custody of the
Initials (Mother or Father)

minor child(ren) whose names are: _____

and the other parent is not fit to have joint legal custody because: _____

VII.

Physical Custody of the Child(ren)
There are THREE different choices in the following paragraph:
(a) Joint Physical Custody (b) Primary Physical Custody (c) Sole Physical Custody.
Choose only ONE and initial the ONE choice.
In the spaces not initialed, print "N/A"

(a) Joint Physical Custody

_____ Mother and Father are fit and proper persons to be awarded joint physical
Initials custody of the minor child(ren) whose names are _____

with visitation and exchange as set out in Paragraph VIII.

(b) Primary Physical Custody

_____ is a fit and proper person to have the
Initials (Mother or Father)

primary physical custody of the minor child(ren) whose names are _____

with visitation by the non-custodial parent as set forth in the following schedule.

(c) Sole Physical Custody

1
2 _____ is a fit and proper person to have the
3 Initials _____ (Mother or Father)
4 sole physical custody of the minor child(ren) whose names are _____
5 _____
6 with visitation by the non-custodial parent as set forth in the following schedule.

7
8 VIII.

9 **WEEKLY AND SUMMER EXCHANGE AND VISITATION**
10 *Visitation must be set out in specific detail, including a full weekly or monthly schedule with*
11 *the days the exchanges will take place, the times of the exchanges, and who will provide*
12 *transportation. Also include specific details regarding holiday sharing and summer vacation*
13 *periods. Without very specific visitation, a Decree will not be granted. Terms such as*
14 *“reasonable visitation” and “visitation at reasonable times and places” will not be accepted.*

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HOLIDAY VISITATION

You may add or subtract any holidays on the following list. If you choose not to exchange the child(ren) on a specific holiday, print "N/A" in the spaces for that holiday. If no changes for the holidays are to be made in the regular visitation schedule, state that clearly in the next paragraph and print "N/A" on the lines provided for the individual holidays.

The major holidays will be handled in the following manner: (Name each specific holiday such as Thanksgiving, Christmas, Easter, Passover, Hanukkah, etc.)

New Year's Day will be alternated with _____ having the child(ren) in the year _____ and each _____ year thereafter.
(Father or Mother)
(odd or even)

Martin Luther King's Birthday will be alternated with _____ having the child(ren) in the year _____ and each _____ year thereafter.
(Father or Mother)
(odd or even)

President's Day will be alternated with _____ having the child(ren) in the year _____ and each _____ year thereafter.
(Father or Mother)
(odd or even)

Memorial Day will be alternated with _____ having the child(ren) in the year _____ and each _____ year thereafter.
(Father or Mother)
(odd or even)

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1 **Fourth of July** will be alternated with _____ having the child(ren) in
2 the year _____ and each _____ year thereafter.
3 (Father or Mother)
(odd or even)

4 **Labor Day** will be alternated with _____ having the child(ren) in
5 the year _____ and each _____ year thereafter.
6 (Father or Mother)
(odd or even)

7 **Nevada Day** will be alternated with _____ having the child(ren) in
8 the year _____ and each _____ year thereafter.
9 (Father or Mother)
(odd or even)

10 **Halloween** will be alternated with _____ having the child(ren) in
11 the year _____ and each _____ year thereafter.
12 (Father or Mother)
(odd or even)

13 **Veteran's Day** will be alternated with _____ having the child(ren) in
14 the year _____ and each _____ year thereafter.
15 (Father or Mother)
(odd or even)

16 **Child(ren)'s Birthdays** will be alternated with _____ having the child(ren) in
17 the year _____ and each _____ year thereafter.
18 (Father or Mother)
(odd or even)

19 _____Mother shall have the child on Mother's Day and Father shall have the child on Father's
20 (Yes or No)
Day.

21 Should a holiday fall on a three-day weekend and it is the other parent's weekend to have
22 the child(ren), the three-day holiday will be handled as follows:

23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

IX.

CHILD SUPPORT

The child support MUST be based on the formula as set out in the Nevada Revised Statutes. You may not just state an arbitrary amount and you may not state "no child support to be paid."

_____ shall pay child support in the amount of \$ _____
(Mother of Father)

per month, per child, for a total monthly child support obligation of \$ _____
(Total monthly payment)

per month. The child support shall be paid on or before the _____ day of each month.

This amount is based upon the following information:

Husband's gross monthly income is \$ _____.
(Amount earned per month before deductions)

Wife's gross monthly income is \$ _____.
(Amount earned per month before deductions)

Initial ONE of the three choices below. DO NOT INITIAL more than one choice. Print N/A on those lines you do not initial.

Initials _____ is the non-custodial parent and the amount agreed upon
(Mother or Father)
above is in compliance with NRS 125B.070 and is _____%
(18%, 25%, 29%, 31%)
of _____ gross monthly income or the statutory minimum.
(Mother's or Father's)

OR

Initials _____ Because Parents are joint physical custodians, the amount of child support agreed upon
above meets the statutory requirement.

OR

Initials _____ The support obligation amount agreed upon above by the parties is not the amount
required in the statutes. Under the statutes, the child support obligation for
_____ would be \$ _____ per month per child. However,
(Mother or Father)
that amount should be different because: **See explanation on next page.**

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Please see NRS 125B.080 for the ONLY reasons you can deviate from the statutory formula and list your reasons here.

The child support obligation for each child shall continue until that child reaches the age of eighteen years or, if the child is still attending high school at the age of eighteen years, until the child reaches the age of nineteen years or graduates from high school, or is otherwise emancipated, whichever occurs first.

A wage assignment for the child support _____ be immediately put in place.
(will or will not)

You must initial ONLY ONE of the following statements regarding child support. On all other lines, print "N/A"

_____ There is already a Child Support action through the District Attorney's Office and payment of the child support shall continue to be handled through that office.

_____ The children are receiving Welfare benefits and the Welfare Department has, or will have, a child support case through the District Attorney's Office and the District Attorney's Office shall continue to handle the child support payments.

_____ No formal child support obligation has ever previously been established and this will be the first Court Order for child support and the parent paying child support will pay the support directly to the receiving parent.

_____ Although this is the first Court Order for child support, the payments will be through the District Attorney's Office and the parent who will be collecting child support shall open the case with the District Attorney's Office.

X.

Health Care
Provisions must be made for health care for the child(ren).
If neither parent has health insurance on the child(ren), that must be stated.
If the children are on Medicaid, that must be stated.
Fill in all spaces. DO NOT LEAVE ANY SPACES BLANK

The child(ren) presently _____ covered by a health insurance policy.
(are or are not)

The child(ren) presently _____ on Medicaid.
(are or are not)

_____ shall maintain health insurance on the child(ren) through
(Mother or Father or Both Parents)
his / her / their employment.

The parties shall each share, equally, any health expenses incurred on behalf of the child(ren) that are not covered by insurance, and each party shall be responsible for one half of the deductible and one half of the insurance premiums.

XI.

Division of Assets
Initial ONE of the three statements below.
Print "N/A" in the spaces you do not use.
Be sure to list all retirement accounts, bank accounts and vehicles.
Include the VIN numbers when listing vehicles.

_____ All of the community assets and property have been previously divided and each is to keep the property each one has in his or her possession at this time.

_____ There is no community property to be divided.

_____ The community property should be divided as follows (see following page):
(Include retirement and pension benefits)

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WIFE SHALL RECEIVE THE FOLLOWING ASSETS

HUSBAND SHALL RECEIVE THE FOLLOWING ASSETS

(If more room is needed, attach additional pages. Write on only one side of the paper and make sure the pages are clearly identified as a continuation of the division of assets. Each additional page must be initialed.)

HUSBAND SHALL RECEIVE THE FOLLOWING DEBTS

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(If more room is needed, attach additional pages. Write on only one side of the paper and make sure the pages are clearly identified as a continuation of the division of assets. Each additional page must be initialed.)

There may be additional community debts of the parties, the exact amounts and descriptions of which are unknown to Plaintiff at this time. Plaintiff asks permission of the Court to amend this Complaint to insert that information when it becomes known to Plaintiff, or at the time of trial.

XIII.

Spousal Support (Alimony)
Initial ONE of the following statements. If you initial one of the statements that makes a provision for spousal support, be sure to fill in all the spaces in that statement. DO NOT LEAVE ANY SPACES BLANK. Print "N/A" in all spaces that don't apply to you. Spousal support automatically ceases upon remarriage of the recipient or the death of either party.

_____ Alimony is not appropriate in this case.

_____ **Wife** shall receive spousal support in the amount of \$ _____
(Amount to be received)

per _____, due and payable on _____
(Week or Month) (Monday, Tuesday, Wed. etc., if weekly; or the 1st, 15th, 30th, etc., if monthly)

1 of each _____ for a period of _____
2 (Week or Month) (Number of weeks, months or years)

3 The spousal support shall begin on _____
4 (Date spousal support to begin)

5 and end on _____
6 (Date last spousal support payment will be made)

7
8
9 _____ **Husband** shall receive spousal support in the amount of \$ _____
(Amount to be received)

10 per _____, due and payable on _____
11 (Week or Month) (Monday, Tuesday, Wed. etc., if weekly;
or the 1st, 15th, 30th, etc., if monthly)

12 of each _____ for a period of _____
13 (Week or Month) (Number of weeks, months or years)

14 The spousal support shall begin on _____
15 (Date spousal support to begin)

16 and end on _____
17 (Date last spousal support payment will be made)

18 XIV.

19 ***Former Name***
20 ***If Wife is filing, Wife should initial ONLY ONE of the following three statements***
21 ***and print "N/A" in the spaces that do not apply to you.***
If Husband is filing, Husband should print "N/A" in all spaces.

22 _____ Wife does not wish to return to her former name.

23 _____ Wife wishes to return to her former name of _____.

24 _____ Wife never changed her name so does not request restoration of a former name.

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26 XV.

27 The parties are incompatible in marriage and there is no hope for reconciliation, and/or the
28 parties have lived separate and apart for more than one year without cohabitation.

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XVI.

The Plaintiff should be awarded attorney's fees and costs.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

- 1. That the bonds of matrimony heretofore and now existing between Plaintiff and Defendant be forever dissolved, and that each of the parties be restored to the status of an unmarried person.
- 2. That the Court grant Plaintiff the relief requested in this Complaint.
- 3. For other and further relief as the Court may deem just and proper in this action.

This document does not contain the Social Security number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.

DATED this _____ day of _____, 20_____.

(Signature)

(Print Your Name)

(Address)

(City, State, Zip)

(Telephone Number)

Code: 1521

Your name: _____

Address: _____

Telephone: _____

Appearing in Proper Person

IN THE FAMILY DIVISION
OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

_____, Case No. _____
Plaintiff / Petitioner / Joint Petitioner

Dept. No. _____

vs.

Defendant / Respondent / Joint Petitioner

_____ /

DECLARATION OF RESIDENT WITNESS

I, _____, do hereby declare under penalty of perjury
(Name of Resident Witness)

that the assertions of this Declaration are true.

1. I am over the age of eighteen and competent to testify of my own knowledge to the following.

2. I have lived in the State of Nevada for _____ years and presently live at

_____, City of _____, State of Nevada.
(Street address of Resident Witness)

I intend to live in the State of Nevada for the foreseeable future.

3. To my personal knowledge, _____, lives at
(Name of person whose residency is being established)

_____, State of Nevada and has
(Street address of person whose residency is being established)

1 lived at that address since _____ and has been physically living within the State of
2 (Date)

3 Nevada on a daily basis for at least six (6) weeks prior to the filing of this Complaint -or- Petition
4 -or- Joint Petition on _____.
5 (Date Complaint/Petition/Joint Petition was filed)

6 4. To my personal knowledge, _____ has
7 (Name of person whose residency is being established)
8 physically lived in the State of Nevada since _____
9 (State the date you know the person has lived in Nevada)

10 5. I see the Petitioner on the average of _____ times a week. The Petitioner is
11 (State how often you actually see the person in a week.)

12 _____
13 (Fill in how you know the Petitioner, such as friend, relative, co-worker, etc.)

14 6. I know of my own personal knowledge that _____
15 (Name of person whose residency is being established)
16 is a bona fide resident of the State of Nevada.

17 Dated this _____ day of _____, 20____.

18 This document does not contain the Social Security Number of any person.

19 I declare under penalty of perjury, under the law of the State of Nevada, that the foregoing
20 statements are true and correct.*

21 Dated this _____ day of _____, 20____.

22 Signature: _____

23 Printed Name: _____

24 Address: _____

25 Telephone: _____

26
27 * The penalty for making a false statement in a declaration that is made under penalty of perjury is a minimum of
28 1 year and a maximum of 4 years in prison, with the possibility of an additional fine of \$5000 or more if authorized or
required by statute. See N.R.S. §199.145.

1 CODE 4085

2
3
4
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7 _____,
8 Plaintiff(s),

9 vs.

Case No. _____

10 _____,
11 Defendant(s).

Dept. No. _____

12 **SUMMONS**

13 **TO THE DEFENDANT: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
14 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN WRITING WITHIN 20 DAYS.**
15 **READ THE INFORMATION BELOW VERY CAREFULLY.**

16 A civil complaint or petition has been filed by the plaintiff(s) against you for the relief as set forth in that
17 document (see complaint or petition). When service is by publication, add a brief statement of the object of the
18 action. See Nevada Rules of Civil Procedure, Rule 4(b).

The object of this action is: _____.

19 1. If you intend to defend this lawsuit, you must do the following within 20 days after service of
20 this summons, exclusive of the day of service:

a. File with the Clerk of the Court, whose address is shown below, **a formal written
21 answer** to the complaint or petition, along with the appropriate filing fees, in
22 accordance with the rules of the Court, and;

b. Serve a copy of your answer upon the attorney or plaintiff(s) whose name and address
23 is shown below.

24 2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may
25 enter a judgment against you for the relief demanded in the complaint or petition.

26 Dated this _____ day of _____, 20____.

27 Issued on behalf of Plaintiff(s):

HOWARD W. CONYERS
CLERK OF THE COURT

28 Name: _____

By: _____

Address: _____

Deputy Clerk
Second Judicial District Court

Phone Number: _____

75 Court Street
Reno, Nevada 89501

DECLARATION OF PERSONAL SERVICE

(To be filled out and signed by the person who served the Defendant or Respondent)

STATE OF _____)

COUNTY OF _____)

I, _____, declare:
(Name of person who completed service)

- 1. That I am not a party to this action and I am over 18 years of age:
- 2. That I personally served a copy of the Summons, the Complaint, and the

following documents: _____

upon _____, at the following
(Name of Defendant or Respondent who was served)

location: _____

on the _____ day of _____, 20_____.
(Month) (Year)

This document does not contain the Social Security Number of any person.
I declare, under penalty of perjury under the law of then State of Nevada, that the foregoing is true and correct.

(Signature of person who completed service)

1 CODE 4085

2
3
4
5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
6 IN AND FOR THE COUNTY OF WASHOE

7 _____,
8 Plaintiff(s),

9 vs.

Case No. _____

10 _____,
11 Defendant(s).

Dept. No. _____

12 **SUMMONS**

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15 **READ THE INFORMATION BELOW VERY CAREFULLY.**

16 A civil complaint or petition has been filed by the plaintiff(s) against you for the relief as set forth in that
17 document (see complaint or petition). When service is by publication, add a brief statement of the object of the
18 action. See Nevada Rules of Civil Procedure, Rule 4(b).

The object of this action is: _____.

19 1. If you intend to defend this lawsuit, you must do the following within 20 days after service of
20 this summons, exclusive of the day of service:

a. File with the Clerk of the Court, whose address is shown below, **a formal written
21 answer** to the complaint or petition, along with the appropriate filing fees, in
22 accordance with the rules of the Court, and;

b. Serve a copy of your answer upon the attorney or plaintiff(s) whose name and address
23 is shown below.

24 2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may
25 enter a judgment against you for the relief demanded in the complaint or petition.

26 Dated this _____ day of _____, 20____.

27 Issued on behalf of Plaintiff(s):

HOWARD W. CONYERS
CLERK OF THE COURT

28 Name: _____

By: _____

Address: _____

Deputy Clerk
Second Judicial District Court

Phone Number: _____

75 Court Street
Reno, Nevada 89501

DECLARATION OF PERSONAL SERVICE

(To be filled out and signed by the person who served the Defendant or Respondent)

STATE OF _____)

COUNTY OF _____)

I, _____, declare:
(Name of person who completed service)

- 1. That I am not a party to this action and I am over 18 years of age:
- 2. That I personally served a copy of the Summons, the Complaint, and the

following documents: _____

upon _____, at the following
(Name of Defendant or Respondent who was served)

location: _____

on the _____ day of _____, 20_____.
(Month) (Year)

This document does not contain the Social Security Number of any person.
I declare, under penalty of perjury under the law of then State of Nevada, that the foregoing is true and correct.

(Signature of person who completed service)