

STATE OF NEVADA

DIVORCE PACKAGE

MINOR CHILDREN

With or Without Property

Control Number NV-006-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.
All Forms Filed With The Clerk Must Be Printed On Bond Paper.

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** This packet is designed for the sole purpose of obtaining an *uncontested* divorce. This packet is only of use to you if you and your spouse are willing to agree to all the terms and conditions of your divorce. You must communicate with your spouse and keep him or her advised as to each step in the process. If you cannot agree, you will become involved in a *contested* divorce, which is beyond the scope of this packet. A summary proceeding for divorce may be commenced in Nevada by filing the *Joint Petition* included in this divorce package, if all of the following are true:
 - (a) Either party meets the residency requirements of Nevada;
 - (b) The parties are incompatible;
 - (c) There are minor children of said marriage and the parties have executed an agreement as to the custody of any children and setting forth the amount and manner of their support;
 - (d) There is no community or joint property/debts of the marriage, or the parties have executed an agreement which sets forth the terms of the division of any community property/debts;
 - (e) The parties waive any rights to alimony, or the parties have executed an agreement which sets forth the terms of any such alimony;
 - (f) The parties waive their rights to written notice of entry of the Decree of Divorce, to appeal, to request Findings of Fact and Conclusions of Law, and to move for a new trial, and;
 - (g) The parties desire that the court enter a decree of divorce. **NRS 125.181**
2. **THE BASICS:** In a typical divorce, you must satisfy two basic requirements before you can file for divorce. Those requirements include the **residency requirements** and appropriate **grounds for divorce**. These requirements are discussed in detail in their respective sections, below.

In addition, you must agree with your spouse to become divorced, and agree to all the terms of the dissolution of marriage in filling out the forms, including property division. You will complete and file the forms (see detailed instructions, below) in the **District Court (Family Court Division, if applicable)** for the county where: the cause for divorce arose; where the defendant resides or may be found; where the plaintiff resides, or where the parties last cohabited. **NRS 125.020**
3. **RESIDENCY REQUIREMENTS:** At least one of the parties to the divorce action must have resided in Nevada for at least **six weeks** prior to the filing of the action, or the cause of the divorce must have arose in the county in Nevada where the parties actually

lived at the time of the happening of the cause. The divorce action may be filed in any county where:

- (a) The cause for divorce arose;
- (b) Where the defendant resides or may be found;
- (c) Where the plaintiff resides; or,
- (d) Where the parties last cohabited. **NRS 125.020**

4. **GROUND FOR DIVORCE:** The State of Nevada permits divorces to be granted on several grounds:

- 1. Incompatibility;
- 2. Living separate and apart for one year without cohabitation; and,
- 3. Insanity of a party which existed for at least two years prior to filing for divorce. **NRS 125.010**

5. **WAITING PERIODS:** There are no divorce-specific waiting periods in Nevada.

6. **LEGAL SEPARATION:** If there exists grounds for a divorce, or if a party has been deserted by their spouse for a period of ninety days that party may file an action for separate maintenance and support for himself and any children of the marriage. A legal separation is different than a divorce. A legal separation is a court determination of the rights and responsibilities of a husband and wife arising out of the marital relationship. A decree of legal separation **does not terminate the marital status** of the parties, and the parties are **not** free to marry again. **NRS 125.190**

ATTENTION: This divorce package DOES NOT include forms for a legal separation.

7. **ALIMONY:** Because this is an agreed divorce, you will decide issues of alimony-- the periodic payment of money from one spouse to the other on a temporary or permanent basis. The forms in this no-fault divorce package assume that no alimony will be paid and none will be sought-- but you may add provisions for alimony to the *Separation Agreement* if you desire. In a contested case, the courts might award alimony. A contested divorce is beyond the scope of this divorce package. **You should consult a local attorney regarding the possibilities concerning alimony if you have questions or foresee conflict regarding this issue.** See, **NRS 125.150** for more information.

8. **DISTRIBUTION OF PROPERTY:** In a divorce, the property such as land, house, buildings, and items of personal property owned by the couple is divided between the parties. Debts owed are also allocated to one party or the other, or both. This is accomplished by means of a *Separation Agreement*. You and your spouse must agree to the property and debt division and memorialize your agreement in the *Separation Agreement* which will be incorporated by reference into the *Decree of Divorce* that ultimately ends your marriage. You may agree to divide the property any way you like, as long as basic fairness is maintained, and you both agree. If you cannot agree on any item of this division, the proceedings will transform into a **contested divorce**. A contested divorce is beyond the scope of this packet.
9. **CHILD CUSTODY/VISITATION:** In determining custody of a minor child in an action for dissolution of marriage, the sole consideration of the court is the best interest of the child. If it appears to the court that joint custody would be in the best interest of the child, the court may grant custody to the parties jointly. There is a presumption, affecting the burden of proof that joint custody would be in the best interest of a minor child if the parents have agreed to an award of joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage. Preference will not be given to either parent for the sole reason that the parent is the mother or the father of the child. The court shall award custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:
- (a) To both parents jointly or to either parent. If the court does not enter an order awarding joint custody of a child after either parent has applied for joint custody, the court shall state in its decision the reason for its denial of the parent's application. When awarding custody to either parent, the court shall consider, among other factors, which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
 - (b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.
 - (c) To any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.
 - (d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.

In determining the best interest of the child, the court shall consider, among other things:

- (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his custody;
- (b) Any nomination by a parent or a guardian for the child; and

- (c) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child. **NRS 125.480, 125.490**

10. CHILD SUPPORT: The Court shall apply the child support formula established by the State of Nevada to determine the required support in any case involving the support of children. The court shall consider the following factors when adjusting the amount of support of a child upon specific findings of fact:

- (e) The cost of health insurance;
- (f) The cost of child care;
- (g) Any special educational needs of the child;
- (h) The age of the child;
- (i) The legal responsibility of the parents for the support of others;
- (j) The value of services contributed by either parent;
- (k) Any public assistance paid to support the child;
- (l) Any expenses reasonably related to the mother's pregnancy and confinement;
- (m) 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;
- (n) The amount of time the child spends with each parent;
- (o) Any other necessary expenses for the benefit of the child; and
- (p) The relative income of both parents.

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.

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. **NRS 125B.080**

11. NAME CHANGE: The court may change the name of the wife to any former name she may have borne upon the granting of a divorce. If the wife desires a name-change, fill in the appropriate spaces in your divorce documents. **NRS 125.130**

FORMS LIST

This packet contains the following forms:

1. Civil Cover Sheet (NV-JUD-110)
2. Personal Case Information Form (NV-JUD-114)
3. Personal Case Information Additional Page (if needed) (NV-811D)
4. Family Court Information Sheet (NV-812D)
5. Joint Petition for Divorce (NV-813D) (This form contains the Decree of Divorce form)
6. Affidavit of Resident Witness (NV-806D)
7. Joint Request for Submission (NV-815D)

FORM EXPLANATIONS

All forms included in this package are identified below. You must sign all documents with a space for signature of a Notary Public in front of a Notary Public. You should also make at least 3 copies of the documents when completed.

1. **Civil Cover Sheet (NV-JUD-110)** – An official information document for the court’s files. When you go to the court to file your documents, ask the court clerk if there is an updated or county-specific form. This form is provided as a sample and may be completed but you will need to use the County Specific form. Some Counties may have a separate Family Civil Cover Sheet and will require you to use their form.
2. **Personal Case Information Form (NV-JUD-114)** – This form is used to provide the Court with information regarding all minor children of the marriage. Information regarding prior or pending court actions involving the children and any additional persons who may have an interest in the proceeding are requested in this form.
3. **Personal Case Information Additional Page (NV-811D)** – This form is provided in case additional space is needed when completing the Personal Case Information Form.
4. **Family Court Information Sheet (NV-812D)** – This form is for use in providing the Court with information regarding the type of action before it and the parties to the action.
5. **Joint Petition for Dissolution of Marriage (NV-813D)** – This form is used to request that the Court grant the joint request for dissolution of marriage, along with any other relief sought. This form also contains the Decree of Divorce form, which is the final judgment of the court, ordering your marriage dissolved and property divided.
6. **Affidavit of Resident Witness (NV-806D)** – This form is for signing by a friend, co-worker or other person who can testify that you are a resident of the county in which you are filing the divorce papers. A resident witness is someone other than you or the other party who can testify that he/she has seen you in Clark County, Nevada, at least three to four times per week for at least six weeks before the *Joint Petition* is filed. This person must also have lived in county of filing for at least six weeks before the *Joint Petition* is filed. The witness must sign this document in front of a Notary Public.
7. **Joint Request for Submission Form (NV-815D)** – This form is used to request that the Petition and all other documents relating to the dissolution request be submitted to the Court for consideration.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. The clerk will give you a case number once you have completed the documents and have brought them to the clerk's office for filing. Your spouse should have a copy of everything you file, stamped "filed" by the clerk. You should keep copies and the court must have originals. **Always make extra copies.**

STEP 1: In cooperation with your spouse, complete the following forms:

- *Civil Cover Sheet (NV-JUD-110)*
- *Personal Case Information Form (NV-JUD-114)*
- *Personal Case Information Additional Page (NV-811D)* (if needed)
- *Family Court Information Sheet (NV-812D)*

Both parties must sign the *Civil Cover Sheet (NV-JUD-110)*. Both parties must sign the *Personal Case Information Form (NV-JUD-114)* in the presence of a Notary Public. The *Personal Case Information Additional Page (NV-811D)* is provided to you if additional space is needed.

STEP 2: The parties should next complete the *Joint Petition for Dissolution of Marriage (NV-813D)*. You must also complete the attached Decree of Divorce form.

STEP 3: The *Affidavit of Resident Witness (NV-806D)* should next be completed. Only one *Affidavit (NV-806D)* need be completed, but keep in mind that the person completing the *Affidavit (NV-806D)* must be able to swear that the person on whose behalf the document is completed has been present in the State of Nevada for the required period of at least six (6) weeks prior to the Petition being filed.

STEP 4: *The Request for Submission (NV-815D)* should next be completed. Without this document, the dissolution action would never get before the Judge.

STEP 5: At least three copies of all documents should be made. The originals and copies should then be presented to the Clerk of Court for filing. A filing fee is paid at this time. You should call ahead to determine the amount of the fee and accepted methods of payment. You should also provide the Clerk with a self-addressed, stamped envelope so that a copy of the final *Decree* will be mailed back to you when signed by the Judge.

STEP 6: It will take at least one or two weeks for the Judge to review and sign your papers. You may have to make corrections before the Judge will sign. Once the Judge has signed the *Decree of Divorce* the Clerk should mail the papers back to you, so contact the clerk's office if you have not received a copy of your signed *Decree* after ten days.

CHECKLIST

- ☐ In cooperation with your spouse, the following forms completed:
 - *Civil Cover Sheet (NV-JUD-110)*
 - *Personal Case Information Form (NV-JUD-114)*
 - *Personal Case Information Additional Page (NV-811D)* (if needed)
 - *Family Court Information Sheet (NV-812D)*

- ☐ The parties complete *Joint Petition for Dissolution of Marriage (NV-813D)*, along with the attached *Decree of Divorce* form.

- ☐ The *Affidavit of Resident Witness (NV-806D)* next completed.

- ☐ *The Request for Submission (NV-815D)* next completed.

- ☐ At least three copies made of all documents. Originals and copies presented to Clerk for filing. Filing fee paid. Clerk provided with self-addressed, stamped envelope so copy of *Decree* will be mailed back to you when signed by Judge.

- ☐ Judge reviews and signs papers. Once Judge signed *Decree of Divorce*, Clerk mails the signed *Decree* back to you. Contact clerk's office if you have not received a copy of your signed Decree after ten days.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet may contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible. If they do not become visible, then they were not included in this form package.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/NV/NV-006-D.htm>

DISCLAIMER

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