

STATE OF NEVADA

DIVORCE PACKAGE

NO CHILDREN

With or Without Property

Control Number NV-008-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 YOU FILE 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) The parties have no minor children and the wife is not pregnant; or the parties have executed an agreement which covers all issues of custody and 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: 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*

4. **GROUNDS 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. 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. You and your spouse must agree to the property and debt division. 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. **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-801D**)
2. Joint Petition for Divorce (**NV-805D**) (This form includes the Decree of Divorce form)
3. Affidavit of Resident Witness (**NV-806D**)
4. Child Support and Welfare Party Identification Sheet (see, Form Explanations- *to be obtained by court clerk*)

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 3 or 4 copies of the documents when completed.**

1. **Civil Cover Sheet (NV-801D)** - 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. **Joint Petition for Divorce (NV-805D)** – This form contains the legal details of the joint request of you and your spouse that the court grant you a divorce. This form also includes the Decree of Divorce form, which is the final judgment of the court, ordering your marriage dissolved and property divided.

3. **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 a specific county in 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.

4. **Child Support and Welfare Party Identification Sheet** – You may need this form even if you have no children. Nevada law states that the Welfare Department must have a record of each party's Social Security number whenever a divorce decree is filed- and this is the reason why you must use this document. You should obtain this form from the Clerk. See, Instructions (below), for details on using this form.

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:

Form 1- *Civil Cover Sheet*

Leave the "Case No." blank- the Clerk's Office will give you this number when you file the *Joint Petition*.

Check the box for "Divorce."

Write "N/A" ("Not Applicable") for any item that does not apply to your case, including any information about children.

Print and sign your name in the appropriate spaces.

Some Counties may require a special Family Cover Sheet. If so, the form should be available from the Clerk.

Form 2- *Joint Petition for Divorce*

When you and your spouse have completed the *Joint Petition for Divorce* and the *Decree of Divorce*, you and your spouse must sign the *Joint Petition* in front of a Notary Public.

Form 3- *Affidavit of Resident Witness*

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 a specific county in 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.

Form 4- *Child Support and Welfare Party Identification Sheet (Obtain from Clerk if required)*

Obtain this form from the Clerk. Make two copies of this form. You and your spouse must each fill out a separate form.

Check the box “without child support” in the upper-right corner.

Only complete the lines through the information regarding your Social Security number.

Sign and date the form.

STEP 2: Make three copies of each of the forms listed below and take the three copies and the original of each form to the court clerk’s office. Be prepared to pay your filing fee. You must call ahead to determine the amount of this fee. The clerk will stamp your forms “filed,” keeping the originals. **FILE** the following forms:

Form 1- the *Civil Cover Sheet*

Form 2- the *Joint Petition for Divorce*.

Form 3- the *Affidavit of Resident Witness*

Form 4- the *Child Support and Welfare Party Identification* (both you and your spouse must have filled out one of these forms). The clerk will stamp this form “return” as opposed to “filed”. The clerk will keep the originals and one copy of you and your spouse’s form, and give the other copies back to you.

STEP 3: Compile a package for the Judge to review. The clerk will probably help you with this if you ask. This package must contain:

- i. One stamped “filed” copy of the *Joint Petition*.
- ii. One stamped “filed” copy of the *Affidavit of Resident Witness*.
- iii. One stamped “return” copy of the *Child Support and Welfare Party Identification*.

Be sure that the case number and department letter the clerk gives you are on all of your documents.

Ask the clerk where to bring the package for the Judge to review. Take the package there and drop it off. No hearing is required.

STEP 4: 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 court will not mail the papers back to you, so after one week, call the clerk’s office to see if your papers are ready to be

picked up. Once the Judge does sign, the clerk's office will automatically file the *Decree* for you. Double check with the clerk to make sure this has been done. Once the "filed" stamp is on your signed *Decree*, you are divorced. Keep a certified copy of the *Decree*.

STEP 5: Mail one "return" stamped copy of each party's Form 5- *Child Support and Welfare Party Identification Sheet* to:

State of Nevada
Child Support Enforcement and Human Resources Division
3120 East Desert Inn Rd.
Las Vegas, NV 89121

You must call to confirm this address before mailing.

STEP 6: Under Nevada law, parties seeking divorce under the summary proceedings of ***NRS 125.181-184*** waive their right to written notification of the entry of the *Decree*. However, you should mail your spouse a certified copy of the *Decree*.

CHECKLIST

- Forms 1-4 completed as per instructions.
- Forms 1-4 filed with the clerk.
- Filing Fees paid.
- Package compiled in STEP 3 dropped off at Judge's office.
- Decree of Divorce* signed by Judge.
- Decree of Divorce* FILED with the court clerk, and certified copies retained by you. Mail certified copy of *Decree* to your spouse.
- Mail one "return" stamped copy of each party's Form 5- *Child Support and Welfare Party Identification Sheet* to the address shown above.

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-008-D.htm>

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THESE FORMS WERE PREPARED FOR STATEWIDE USE. HOWEVER, SOME COUNTIES OR JUDGES MAY REQUIRE CERTAIN MODIFICATIONS TO THE FORMS FOR USE IN YOUR PARTICULAR COUNTY AND MAY REQUIRE SPECIAL FORMS NOT INCLUDED. CHANGES REQUIRED BY PARTICULAR JUDGES ARE NOT UNCOMMON EVEN IF THE FORMS HAD BEEN PREPARED BY YOUR ATTORNEY. REGARDLESS, YOU SHOULD BE ABLE TO USE THESE FORMS AND INSTRUCTIONS, WITH ANY REQUIRED MODIFICATIONS, TO MAKE IT THROUGH THE PROCESS. IF YOU NEED TO MAKE CHANGES, OR IF SPECIAL FORMS ARE REQUIRED IN YOUR COUNTY, YOU CAN MAKE THE CHANGES AND REFILE, OR OBTAIN THE SPECIAL FORMS EITHER FROM THE CLERK OR A CLOSED DIVORCE FILE WHICH YOU CAN USE AS AN EXAMPLE.