

**JOINT PETITION
FOR
SEPARATE
MAINTENANCE**

**WITH
MINOR CHILDREN**

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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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JOINT PETITION FOR SEPARATE MAINTENANCE
WITH MINOR CHILDREN

The procedure for a “legal separation” or “decree of separate maintenance” is the same as for a divorce.

Custody, visitation, child support and the division of assets and debts are all addressed in this action just as they would be addressed in a divorce action.

This packet is to be used only when **ALL** of the following circumstances exist:

1. There are minor children of the marriage, either natural or adopted; and,
2. The children have been residents of the State of Nevada and physically present in the State of Nevada for at least six (6) months prior to the filing of these documents; and,
3. The parties fully agree on ALL issues, including child custody, visitation and child support and the division of all assets and debts.

JOINT PETITION FOR SEPARATE MAINTENANCE
WITH MINOR CHILDREN

GENERAL INFORMATION

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 Joint Petition for Separate Maintenance
5. A Declaration of Resident Witness
6. A Joint Request for Submission
7. A Decree of Separate Maintenance

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

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. The forms will not be accepted by the Filing Clerk's Office if correction fluid/tape is used.

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 names addresses and telephone numbers and dates of birth in the spaces under the heading "Party Information."

Check the box next to **Legal Separation - LS** under the heading of "Marriage Dissolution Case" on the left-side of the form.

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

The Family Court Information Sheet

Print the name of one of the petitioners on the line for Plaintiff. Print the name of the other petitioner on the line for Defendant. Leave the Case No. and Dept. No. blank. A case number and department number will be assigned when you file the documents with the filing clerk.

Fill in your names, Social Security numbers, and dates of birth where indicated in the body of the form.

Fill in the rest of the requested information including the children's Social Security numbers and dates of birth. Only list information for minor children born of the marriage.

If you or the children do not have a Social Security number, print "do not have" on the line for the number.

The Personal Case Information Sheet

This form helps the court to determine whether or not the court 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 other petitioner and the children involved in this case.

In the upper-left corner, print your Names, Addresses and Telephone Numbers.

Print the name of one of the petitioners on the line for Plaintiff. Print the name of the other

petitioner on the line for Defendant. Leave the Case No. and Dept. No. blank. A case number and department number will be assigned when you file the documents with the filing clerk.

Follow the directions carefully and fill out the necessary information on this form. Be sure to include any information required regarding other cases that may have been filed regarding the petitioners or the children.

Both petitioners must sign and date the form.

The Joint Petition

In the top left corner, fill in your names, addresses and telephone numbers.

Print the names of the petitioners on the lines for Joint Petitioners. Leave the Case No. and Dept. No. blank. A case number and department number will be assigned when you file the documents with the filing clerk.

Follow the directions printed on the Petition carefully. If the information is not complete, the court cannot grant the separation.

Be sure you are familiar with the terms and the definitions regarding child custody, visitation and child support.

The Declaration of Resident Witness

One of the petitioners must have a friend, relative or co-worker who is a resident of the State of Nevada fill in the information on the Declaration.

In the upper left corner, fill in the name, address and telephone number of the Petitioner who is going to have the witness swear to his or her residency.

Print the names of the petitioners on the lines for Joint Petitioners. Leave the Case No. and Dept. No. blank. A case number and department number will be assigned when you file the documents with the filing clerk.

Do not fill in any other part of the Declaration. The Declaration must be filled in by the person who is going to declare one of you has been in the state of Nevada for at least six (6) weeks prior to filing any of the documents. It must then be signed by the Resident Witness. YOU CANNOT BE YOUR OWN RESIDENT WITNESS.

The Joint Request For Submission

In the top left corner, fill in your names, addresses and telephone numbers.

Print the names of the petitioners on the lines for Joint Petitioners. Leave the Case No. and Dept. No. blank. A case number and department number will be assigned when you file the documents with the filing clerk.

Complete the form.

This form must be signed by both petitioners.

The Decree of Separate Maintenance

In the top left corner, fill in your names, addresses and telephone numbers.

Print the names of the petitioners on the lines for Joint Petitioners. Leave the Case No. and Dept. No. blank. A case number and department number will be assigned when you file the documents with the filing clerk.

Do not fill in the date on the last page. The judge will fill that in at the time he/she signs the Decree.

Be sure to fill in your names, addresses and telephone numbers and sign and date in the spaces provided on the last page

COPYING AND FILING THE DOCUMENTS

Make two (2) copies of all documents. Take the original and the two (2) copies to the Filing Clerk's office, which is located on the first floor of the courthouse at 75 Court Street, Reno, NV. 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.

If you include self-addressed, stamped envelopes, the court will mail you a copy of the Decree after it is signed by the judge.

There may be a filing fee payable when you file the documents. Contact the Filing Clerk's office at (775) 328-3110 to confirm the amount of the fee.

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 documents and assign them a case number and department number and then file them in. The clerk will keep the original documents and return the file-stamped copies to you. The clerk will then forward the documents to the judge for review and signature.

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

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 State 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 OF CHILD SUPPORT
EFFECTIVE JULY 1, 2010 - JUNE 30, 2011**

NRS 125B.070

Presumptive Maximum Amounts increased 2.7% pursuant to the Consumer Price Index (all items) increase in Calendar Year 2009 (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</u>
<i>If the Parent's Gross Monthly Income is at Least</i>		<i>But Less Than</i>	<i>The Presumptive Maximum Amount the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 is</i>
\$0	-	\$4,235	\$621
\$4,235	-	\$6,351	\$683
\$6,351	-	\$8,467	\$747
\$8,467	-	\$10,585	\$807
\$10,585	-	\$12,701	\$870
\$12,701	-	\$14,816	\$931
\$14,816	-	No Limit	\$995

Determined and issued by the Administrative Office of the Courts on or before April 1 of 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 concerning the calculations.

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,

5 vs.

6 _____,
7 Defendant/Respondent.

Case No. _____

Dept. No. _____

8 Name: _____

9 Social Security #: _____

10 Date of Birth: _____

Name: _____

Social Security #: _____

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)

[] African-American [] Hispanic

[] African-American [] Hispanic

[] Asian or Pacific Islander

[] Asian or Pacific Islander

[] Native American/Alaskan Native [] Other

[] Native American/Alaskan Native [] Other

24 **CHILDREN INVOLVED IN THIS CASE**

25 Name: _____ SSN: _____ DOB: _____

Name: _____ SSN: _____ DOB: _____

Name: _____ SSN: _____ DOB: _____

Name: _____ SSN: _____ DOB: _____

Name: _____ SSN: _____ DOB: _____

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

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

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

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.

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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.

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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.

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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.

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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.

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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: _____

1 Code: \$4400
2 Name: _____
3 Address: _____
4 Telephone No. _____
5 Appearing in Proper Person

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

10 _____ Case No. _____
11 and Dept. No. _____
12 _____

13 Joint Petitioners
14 _____/

15 **JOINT PETITION FOR SEPARATE MAINTENANCE**
16 **(Also Known as a Legal Separation)**
17 **WITH MINOR CHILDREN**

18
19 Petitioners, (Wife's name) _____ in proper
20 person, and (Husband's name) _____ in proper
21 person, hereby petition this Court, pursuant to the terms of Chapter 125 of the Nevada Revised
22 Statutes, to grant them a Decree of Separate Maintenance. Petitioners respectfully show and declare
23 to the Court that every condition of NRS 125.181 has been met and further state as follows:

24
25 I.
26 The parties were married on _____ in _____,
27 (Date of marriage) (City or County of marriage)
28 State of _____ and ever since that day have been, and still are, husband and wife.
(State of marriage)

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II.

The Petitioner _____ is now, and for more than six
(Name of the Resident Petitioner)
weeks before the filing of this action as been, an actual resident of the State of Nevada and, during
all this period of time has been actually, physically, present in, and living in the State of Nevada and
intends to continue to make the State of Nevada (his or her) _____ home for an indefinite
period of time.

The current addresses of the Petitioners are:

(Wife's Name)

(Wife's mailing address)

(Wife's residential address)

(Husband's Name)

(Husband's mailing address)

(Husband's residential address)

III.

That Petitioners have become, and continue to be, incompatible in marriage and no
reconciliation is possible.

IV.

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)

1 on _____.
2 (Date of expected birth)

3 V.

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

7 There are _____ minor children born to or adopted through this union.
8 (Number of minor children)

9	<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
14	_____	_____	_____
15	_____	_____	_____

16 VI.

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

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

21	<u>Name</u>	<u>State of Residence</u>	<u>How Long Child Has Lived in That State</u>
22	_____	_____	_____
23	_____	_____	_____
24	_____	_____	_____
25	_____	_____	_____
26	_____	_____	_____

27 **If the children have not been physically present in the State of Nevada for the past six months,
28 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.**

IX.

WEEKLY AND SUMMER EXCHANGE AND VISITATION

Visitation must be set out in specific detail, including a full weekly or monthly schedule with the days the exchanges will take place, the times of the exchanges, and who will provide transportation. Also include specific details regarding holiday sharing and summer vacation periods. Without very specific visitation, a Decree will not be granted. Terms such as "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.)

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

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

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

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

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

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

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

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

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

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

4 Mother shall have the child on Mother's Day and Father shall have the child on Father's
5 Day.

6 Holidays not specifically time defined shall begin at _____ AM and end at _____ PM
7 on that same day. The parent who has the holiday will pick the child up and return the child to the
8 other parent at the end of the scheduled time.

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

11 _____
12 _____
13 _____
14 _____

15 _____ shall have a block of time with the child(ren) for vacation
(Father or Mother or both parents)
16 purposes. That length of time for vacation shall be _____.
17 (one week, two weeks, three weeks, one month)

18 _____ shall notify the other parent, in writing, at least
(Father or Mother or Both Parents)
19 _____ in advance of his or her choice of vacation dates.
20 (days or weeks)

21 _____ Each parent _____ notify the other if they take the child out of
22 _____
Wife's Initials Husband's Initials (shall -or- shall not)
23 the State of Nevada for more than 24 hours for any reason. Notification shall be made prior to
24 leaving the State and shall include the date leaving the State, the destination, the date returning to
25 the State, the type of transportation and, if possible, a telephone number for contact while the child
26 is out of the State.

27 Each parent shall immediately notify the other in any emergency occurs with the child such
28 that medical treatment is needed or sought.

1 _____ Each parent _____ keep the other informed of the child care
Wife's Initials Husband's Initials (shall -or- shall not)
2 Giver for the child, including name, address and telephone number

3 _____ Each parent _____ have the right of first refusal to care for the
Wife's Initials Husband's Initials (shall -or- shall not)
4 Child if the other parent is not available to care for the child for a period of _____ hours.
5 In other words, if the child is in Mother's custody and Mother is not available to care for the child
6 for _____ hours or more, Father shall be notified and given the right of first refusal to
7 care for he child before any third party is called in to care for the child. Mother has the same right
8 of first refusal when the child is with Father and Father is not available to care for the child for
9 _____ hours or more.

10 _____
11 _____ Both parents are to have equal access to all of the child(ren)'s medical
Wife's Initials Husband's Initials
12 Records, school records and any other records generated for the benefit of, or on behalf of the child.

13
14 X.

15
16 **CHILD SUPPORT**
17 *The child support MUST be based on the formula as set out in the Nevada Revised Statutes.
18 You may not just state an arbitrary amount
19 and you may not state "no child support to be paid."*

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

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

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

23 This amount is based upon the following information:

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

25
26 Wife's gross monthly income is \$ _____
(Amount earned per month before deductions)

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DO NOT INITIAL ALL CHOICES.
Initial ONLY ONE of the three choice.
Print N/A on those choices you do not use.

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

OR

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

OR

 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, Petitioners have agreed to change that amount because:

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

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

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

7
8 ***You must initial ONLY ONE of the following statements regarding child support.
On all other lines, print "N/A"***

9
10 _____ There is already a Child Support action through the District Attorney's Office and
Wife Husband payment of the child support shall continue to be handled through that office.

11
12 _____ The children are receiving Welfare benefits and the Welfare Department has, or will
Wife Husband 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.

13
14 _____ No formal child support obligation has ever previously been established and this
Wife Husband will be the first Court Order for child support and the parent paying child support
will pay the support directly to the receiving parent.

15
16 _____ Although this is the first Court Order for child support, the payments will be through
Wife Husband the District Attorney's Office and the parent who will be collecting child support
shall open the case with the District Attorney's Office.

17
18 XI.

19
20 ***Health Care***
21 ***Provisions must be made for health care for the child(ren).***
22 ***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

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

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

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

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

4
5 XII.

6
7 **Division of Assets**
8 ***Initial ONE of the three statements below.***
9 ***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.

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

12 _____ _____ There is no community property to be divided.
13 Wife Husband

14 _____ _____ The community property should be divided as follows:
15 Wife Husband

16
17 **WIFE SHALL RECEIVE THE FOLLOWING ASSETS**

18 _____
19 _____
20 _____
21 _____

22
23 **HUSBAND SHALL RECEIVE THE FOLLOWING ASSETS**

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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.)

XIII.

Division of Debts
Initial ONE of the three statements below.
Print "N/A" in the spaces you do not initial.
Be sure to list all credit cards with the last four numbers of each account, if known.

Wife Husband All of the community debts have been previously divided and each is to keep those debts assigned to them and hold the other party harmless from those debts.

Wife Husband There are no community debts to be divided.

Wife Husband The community debts should be divided as follows:
(Be sure to list **specific** debts with the last four numbers of the accounts, if known)

WIFE SHALL RECEIVE THE FOLLOWING DEBTS

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.)

(THE FOLLOWING STATEMENT MUST BE INITIATED BY BOTH PARTIES)

Wife Husband Petitioners hereby certify that they have disclosed all community assets and debts and that there are no other community assets or debts for this Court to divide.

XIV.

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.

Wife Husband Each of the Petitioners hereby give up any and all right to spousal support (Alimony) or any other monetary claim each may have against the other for support or maintenance.

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

per _____, due and payable on _____
(Week or Month) (Date amount due)

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

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

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

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

per _____, due and payable on _____
(Week or Month) (Date amount due)

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

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

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

XV.

Former Name
Initial ONLY ONE of the following statements and print "not applicable"
in the spaces not filled in.

_____ Wife does not wish to return to her former name
Wife Husband

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

_____ Wife never changed her name and, therefore, does not request restoration of
Wife Husband her former name

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XVI.

Petitioners hereby request that this Court enter a Decree of Legal Separation, also known as a Decree of Separate Maintenance, incorporating into that Decree the provisions made herein.

XVII.

It is further understood and agreed by the Petitioners that a final Decree of Separate Maintenance constitutes a final adjudication of the right and obligations of the parties with respect to the legal status of the community only and respective Petitioners' rights to (1) written notice of entry of decree; (2) requests for findings of facts and conclusions of law; (3) to move for a new trial. A Decree of Separate Maintenance/Decree of Legal Separation entered by this summary procedure does not prejudice or prevent the rights of either petitioner to bring an action to set aside the final decree of fraud, duress, accident, mistake or the grounds recognized at law or in equity.

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

1. That the parties be granted a Decree of Separate Maintenance also known as a Decree of Legal Separation thereby judicially bringing to a conclusion the community aspects of the marriage and the legal responsibilities of one party to and for the other for all purposes heretofore existing between the parties except as set forth in this petition.

2. That the terms agreed upon in this Joint Petition be included in the Decree.

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

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

DATE: _____

DATE: _____

Wife's signature

Husband's signature

1 Code: 3860

Name: _____

2 Address: _____

3 Telephone: _____

4 Appearing in Proper Person

Name: _____

5 Address: _____

6 Telephone: _____

7 Appearing in Proper Person

8 IN THE FAMILY DIVISION

9 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 In the Matter of the Marriage of

12 _____,

13 (Wife's name)

Case No. _____

14 and

15 _____,

(Husband's name)

Dept. No. _____

16 Joint Petitioners.

17 _____/

18 **JOINT REQUEST FOR SUBMISSION**

19 Joint Petitioners, acting in Proper Person, request that their Joint Petition and all related
20 documents that were filed on the _____ day of _____, 20____, be
21 (Day) (Month)
submitted to the Court for consideration and determination.

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

23 DATED this _____ day of _____, 20____.

24 Signature: _____

Signature: _____

25 Printed Name: _____

Printed Name: _____

26 Address: _____

Address: _____

27 Telephone: _____

Telephone: _____

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: 1545

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

10 In the Matter of the Marriage

Case No. _____

11 Of

Dept. No. _____

12 _____

(Wife's name)

13 and

14 _____

(Husband's name)

Joint Petitioners

16 _____/

17 **DECREE OF SEPARATE MAINTENANCE**
18 **(Also known as Decree of Legal Separation)**

19 The above entitled cause, having been submitted to this Court for decision pursuant to
20 Chapter 125 of the Nevada Revised Statutes, and based upon the Joint Petition by the
21 Petitioners,

22 _____ and _____,
23 (Wife's name) (Husband's name)

24 and all of the papers and pleadings on file, the Court finds as follows:

- 25 1. That all of the allegations contained in the documents on file are true;
- 26 2. That all of the requirements of NRS 125.181 and NRS 125.182 have been met;
- 27 3. That this Court has the necessary UCCJA, UCCJEA and PKPA initial and
28 continuing

jurisdiction to enter orders regarding child custody and visitation on the following children of the

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union or adopted by the parties, and hereby exercises said jurisdiction:

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

4. That this Court does **not** have the necessary UCCJA, UCCJEA and PKPA jurisdiction to enter orders regarding custody and visitation of the following children of the union or adopted by the parties, and said issues must be decided in the children’s present “home state:”

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

5. That this Court has complete jurisdiction to enter this Decree and the orders regarding the distribution of assets and debts.

6. That resident Petitioner _____ has been, and is now;
(Husband’s name or Wife’s name)
an actual bona fide resident of the State of Nevada and has actually been domiciled in the State of Nevada for more than six (6) weeks immediately prior to the commencement of this action, and intends to continue to make the State of Nevada _____ home for an indefinite period of
(His or Her)
time.

7. The Petitioners married on _____ in the County
(Date of marriage, including month, day and year)
of _____, State of _____,
(County in which you were married) (State in which you were married)
and ever since that date have been, and still are, Husband and Wife.

8. That Petitioners have become, and continue to be, incompatible in marriage and no

1 reconciliation is possible.

2 *(If the following spaces are not applicable in your circumstances print*
3 *“not applicable” in each space.)*

4 9. Wife _____ pregnant at this time.

5 (is or is not)

6 Husband _____ alleged to be the father of the unborn child. The unborn

7 (is or is not)

8 child is due to be born on _____.

9 (date of expected birth)

10 10. That the Petitioners have entered into an agreement settling all issues regarding the care,
11 custody, visitation, health insurance, and child support of the child(ren) over which this Court has
12 jurisdiction, said agreement being in the best interests of the child(ren), and Petitioners have
13 requested that their agreement, as set forth in their Joint Petition, be ratified, confirmed, and
14 incorporated into the Decree of Separate Maintenance also known as the Decree of Legal Separation
15 as though fully set forth herein.

16 11. That the Petitioners have entered into an agreement settling all issues regarding the
17 division and distribution of assets and debts, said agreement being an equitable one, and Petitioners
18 have requested that their agreement in their Joint Petition be ratified, confirmed, and incorporated
19 into their Decree as though fully set forth herein.

20 12. That the Petitioners have entered into an agreement settling the issue of spousal
21 support and request that their agreement as set forth in their Joint Petition be ratified, confirmed,
22 and incorporated into their Decree as though fully set forth herein.

23 *(Initial only ONE space in statement 13 and print “not applicable” in the other spaces.)*

24 13. _____ Wife does not wish to return to her former name.

25 _____ Wife wishes to return to her former name of

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27 _____
28 _____

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_____ Wife never changed her name and, therefore, does not request restoration of her former name.

14. That the parties waive their rights to a written Notice of Entry of Decree of Divorce, to appeal, to Findings of Fact and Conclusions of Law, and to move for a new trial.

Therefore, **IT IS ORDERED, ADJUDGED AND DECREED:**

1. That the Parties are hereby granted a Final Decree of Separate Maintenance, also known as a Decree of Legal Separation one from another on the grounds of incompatibility and this Decree hereby brings to a conclusion the community aspects of this marriage and the legal responsibilities of one party to and for the other for all purposes heretofore existing between the parties except as set forth in their Petition.

2. That the agreement, as it is stated in the Petitioners' Joint Petition, regarding the care, custody, visitation, health insurance, and child support of the child(ren) over which this Court has jurisdiction, is hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

3. That the agreement, as it is stated in the Petitioners' Joint Petition, regarding the division and distribution of assets and debts, is hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

4. That the agreement, as it is stated in the Petitioners' Joint Petition, regarding the issue of spousal support is hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

(Initial only ONE space in statement 5. Print "not applicable" in the other spaces.)

5. _____ Wife is hereby restored to her former name of:
_____.

_____ Wife never changed her name and, therefore, does not request restoration of her former name.

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_____ Wife shall retain her present name.

IT IS FURTHER ORDERED AND PARTIES ARE PUT ON NOTICE that they are subject to the requirements of the following Nevada Revised Statutes:

NRS 125.510(6) regarding abduction, concealment or detention of a child:

PENALTY FOR VIOLATION OF ORDER:

THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice of the following provisions in NRS 125.510(8):

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual

1 residence. The fact that a parent has significant commitments in a
2 foreign country does not create a presumption that the parent poses an
3 imminent risk of wrongfully removing or concealing the child.

4 **NRS 125C.200 regarding relocation with minor children:**

5 If custody has been established and the custodial parent or a parent
6 having joint custody intends to move his residence to a place outside of
7 this state and to take the child with him, he must, as soon as possible and
8 before the planned move, attempt to obtain the written consent of the
9 other parent to move the child from the state. If the noncustodial parent
10 or other parent having joint physical custody refuses to give that
11 consent, the parent planning the move shall, before he leaves the state
12 with the child, petition the court for permission to move the child. The
13 failure of a parent to comply with the provisions of this section may be
14 considered as a factor if a change of custody is requested by the
15 noncustodial parent or other parent having joint custody.

16 **NRS 125.450 regarding the collection of child support payments through mandatory**
17 **wage withholding or assignment of income.**

18 **NRS 31A regarding the enforcement of a child support obligation and the collection**
19 **of delinquent child support.**

20 **NRS 125B.145 regarding the review of child support at any time due to changed**
21 **circumstances and at least every three years following the entry of the child support order.**

22 **THIS IS A FINAL DECREE.**

23 Dated: _____

24 _____
25 DISTRICT JUDGE

26 Respectfully Submitted:

(Print name) _____ (Print name) _____

27 (Signature) _____ (Signature) _____

28 (Address) _____ (Address) _____

Petitioner in Proper Person

Petitioner in Proper Person