PREPARING AND FILING A STIPULATION AND ORDER TO CONTINUE A HEARING

EXPLANATION OF A STIPULATION AND ORDER

A stipulation is an agreement between the two parties in a case. If the judge approves that agreement he/she will sign an Order to make the agreement binding. A Stipulation and Order allows the parties to resolve a portion of their case without going to a hearing. For example, in this packet, you and the other party are agreeing to move a hearing date. If the judge approves the agreement, you will not go to court to ask the judge to move the hearing date.

YOU CAN USE THIS STIPULATION AND ORDER IF:

- # Both parties are representing themselves; and
- # You have a hearing date already scheduled; and
- # You and the other party agree that the hearing date should be moved to another day and time.

INSTRUCTIONS FOR PREPARING AND FILING A STIPULATION AND ORDER TO CONTINUE A HEARING

* * * IMPORTANT DISCLOSURE * * *

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

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

* * * * *

I. <u>EXPLANATION OF A STIPULATION AND ORDER</u>

- A. A stipulation is an agreement between the two parties in a case. If the judge approves that agreement he/she will sign an Order to make the agreement binding. A Stipulation and Order allows the parties to resolve a portion of their case without going to a hearing. For example, in this packet, you and the other party are agreeing to move a hearing date. If the judge approves the agreement, you will not go to court to ask the judge to move the hearing date.
- B. You can use this Stipulation and Order if:
 - Both parties are representing themselves; and
 - You have a hearing date already scheduled; and
 - You and the other party agree that the hearing date should be moved to another day and time.

- C. This package should contain the following documents:
 - Instructions for Preparing and Filing a Stipulation and Order;
 - Stipulation and Order;
 - Notice of Entry of Order;
 - Certificate of Mailing;
 - List of telephone numbers for the judges' staffs and the Court Clerks;
 - Customer survey;
 - Affirmation.

II. STEP 1: PREPARE YOUR PAPERWORK

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

A. <u>THE CAPTION:</u>

The "caption" is the portion of your document which assists the Court in identifying your particular case. It is the part of the page that has the blanks above the words "Plaintiff" and "Defendant". Generally, this caption will be the same throughout the entire case and will be on every document filed in the case. In this package, the caption is on the: (1) Stipulation and Order, (2) Notice of Entry of Order, (3) Certificate of Mailing, and (4) Affirmation.

B. THE STIPULATION AND ORDER:

- 1. Insert your name, address, and phone number on the first page, upper left-hand corner.
- 2. Insert the name of the Plaintiff on the blank above the word "Plaintiff" in the caption and insert the name of the Defendant on the blank above the word "Defendant" in the caption. You can determine who is the Plaintiff and who is the Defendant by reviewing other papers that have been filed in your case.
- 3. Insert the case number on the line after the words "CASE NO." on your documents. You can find the case number by looking at other documents that have been filed in your case. The case number will start with a "D", "R", "T", or "G". If your case starts with a "G", please ask a Self-Help

Center representative for assistance.

- 4. Insert the department letter on the line after the words "DEPT. NO." You can find the department letter by looking at other documents that have been filed in your case.
- 5. The Stipulation and Order uses a fill-in-the-blank format. The Stipulation and Order will tell you what information you need to put into the blank. If the Stipulation and Order tells you to check an item, check the box next to the item that applies (i.e., check the box next to either "Plaintiff" or "Defendant" if the Stipulation and Order has "Plaintiff/Defendant")
 - a. In the "Order" section of the document, leave all lines blank except the lines under the words "Respectfully Submitted".
- 6. The Stipulation and Order must be "acknowledged" by a Notary Public. In other words, you will need to sign the document in front of a Notary. The Self-Help Center has a Notary available. Do not make any copies until the document is notarized.

C. THE NOTICE OF ENTRY OF ORDER:

NOTE: YOU SHOULD PREPARE THIS DOCUMENT <u>AFTER</u> THE JUDGE HAS SIGNED THE STIPULATION AND ORDER.

- 1. The Notice of Entry of Order is the document that tells the other party that the Stipulation and Order has been filed. It also effects the timing for rights for both parties (i.e., to appeal the judge's decision, to ask the judge to reconsider his/her decision, etc.).
- 2. Insert your name, address, and phone number on the first page, upper left-hand corner.
- 3. Insert the name of the Plaintiff on the blank above the word "Plaintiff" in the caption and insert the name of the Defendant on the blank above the word "Defendant" in the caption.
- 4. Insert the case number on the line after the words "CASE NO." and insert the department letter on the line after the words "DEPT. NO."
- 5. The Notice of Entry of Order uses a fill-in-theblank format. The Notice of Entry of Order will tell you what information you need to put into the blank.

D. THE CERTIFICATE OF MAILING:

NOTE: YOU SHOULD PREPARE THIS DOCUMENT AFTER THE JUDGE HAS SIGNED THE STIPULATION AND ORDER. PART OF THIS DOCUMENT WILL HAVE TO BE COMPLETED BY SOMEONE ELSE. (PLEASE SEE NEXT PARAGRAPH AND SECTION V, BELOW.)

- 1. The Certificate of Mailing is a document to show the Court that the other party received a copy of the papers you have just filed. Someone who is not related to you by blood or marriage, and who is over 18 years old, will need to complete part of this document. This other person is called a "third party". (Please see Section V, below, for more information.)
- Insert your name, address, and phone number on the first page, upper left-hand corner.
- 3. Insert the name of the Plaintiff on the blank above the word "Plaintiff" in the caption and insert the name of the Defendant on the blank above the word "Defendant" in the caption.
- 4. Insert the case number on the line after the words "CASE NO." on your documents and insert the department letter on the line after the words "DEPT. NO."
- 5. The Certificate of Mailing uses a fill-in-theblank format and will tell you what information you need to put into the blank.
 - a. The third party will need to fill in the date that he/she mailed the documents to the other side.
 - b. The third party will need to sign the Certificate of Mailing before a Notary Public. The Self-Help Center has a Notary available. Do not make any copies until the document is notarized.

E. THE AFFIRMATION:

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

1. Beginning January 1, 2007, most documents should not contain parties' Social Security Numbers. If certain documents are required to have this information, the Clerk's Office and/or the Court must take steps to ensure that the information

- is kept in a confidential manner. The Affirmation lets the Clerk's Office and the Court know whether the documents you file contain Social Security Numbers.
- 2. Insert your name, address, and phone number on the first page, upper left-hand corner. The form uses a "fill-in-the-blank" format. Write the information requested on each line in the caption.
- 3. If you or the other party has already filed paperwork, fill in the "Case No." and "Dept. No." lines to the right of the caption. You can find this information by looking at other documents that have been filed in the in the case, leave the lines blank. The Clerk's Office will give you a case number and department number when you file the paperwork.
- 4. Check the boxes next to the documents you are filing. If you are filing document that is not listed, check the "other" box and state the name of the document on the line next to the box.
- 5. Sign and date the form.

III. STEP 2: THE COURT'S REVIEW OF THE STIPULATION AND ORDER

- A. Make <u>three</u> copies of the Stipulation and Order and <u>one</u> copy of the Affirmation.
- B. You need to use a two-hole punch on the top of the original documents and also stamp or write "original" on the original documents. The Self-Help Center has a two-hole punch and a stamp that you can use.
- C. Paper clip the original Stipulation and Order and two copies of that document plus the original and copy of the Affirmation. Keep the other copy of the Stipulation and Order for your records.
- D. Take the elevator to the third floor of the Courthouse. Go to the reception area by "chambers". You will see brown boxes against the wall. Each box is marked with a department letter. Put the paper clipped documents into the box belonging to that judge's department.
- E. The judge's staff will review your paperwork. If it is approved, the judge will sign the Stipulation and Order. If you need to make some corrections, the staff will put a note on your papers to tell you how to correct them.

- F. The Clerk's Office will mail the forms to you after they have been reviewed by the judge. Please give the clerk a blank 10x13 envelope when you file your documents. The Clerk's Office will pay the postage. After one week, you can call the Clerks Office at 455-2590 to ask if your paperwork has been mailed. If the paperwork has not been mailed after two weeks, you may call the judge's office to make sure that they have received your paperwork.
- G. If the judge signed your Stipulation and Order, the Clerk's Office will automatically file it for you. If your paperwork needs correction, you will need to follow the instructions from the judge's office and go through steps A through F again after you have made the correction.

IV. STEP 3: PREPARE AND FILE THE NOTICE OF ENTRY OF ORDER

- A. Prepare the Notice of Entry and an Affirmation. (Please See Section II, above)
 - A "file-stamped" copy is a copy of a document that has the Clerk's Office's date and time stamp in the upper-right corner of the first page. It indicates that the Clerk's Office has received the original document.
- B. Make $\underline{\text{two}}$ copies of the Notice of Entry of Order and $\underline{\text{one}}$ copy of the Affirmation.
- C. You need to use a two-hole punch on the top of the original documents and also stamp or write "original" on the original documents. The Self-Help Center has a two-hole punch and a stamp that you can use.
- D. Go to the filing counter at the Clerk's Office. The clerk will file the original documents and will return the file-stamped copies to you.

V. STEP 4: SERVE THE DOCUMENTS ON THE OPPOSING PARTY AND FILE THE CERTIFICATE OF MAILING

- A. As a general rule, you must give the other party a copy of any document that you file with the Court. If that party is represented by an attorney, you must give the documents to the attorney <u>instead of</u> the other party. The way of giving the documents to the other party (or the attorney) is called "service of process" or "service". For this packet, you must serve the Stipulation and Order and the Notice of Entry of Order.
 - 1. Any document that is "served" must be mailed or delivered by someone who is not related to you by

- blood or marriage. This person is called a "third party".
- 2. Any third party can serve the documents. However, there are businesses that specialize in serving documents. You can find these businesses by looking in the Yellow Pages under "Process Servers".
- B. There are several ways of serving the other party. This packet contains a Certificate of Mailing. This is the most common method of serving a Stipulation and Order and Notice of Entry of Order. To learn more about other methods of service, you can review the Nevada Rules of Civil Procedure at the Self-Help Center, any Clark County public library, or on-line at http://www.nvsupremecourt.us. You may also speak to an attorney.
 - 1. If the other party <u>does not have an attorney</u>, the third party should mail the documents to the other side's last known address (the address you put in the Certificate of Mailing).
 - 2. If the other party <u>has an attorney</u>, the third party must mail the document to the attorney at the attorney's business address.
- C. After the third party has mailed the Stipulation and Order and Notice of Entry of Order to the other side (or that side's attorney) he/she should complete their portion of the Certificate of Mailing. You will need to prepare an Affirmation. (See II, above)
 - 1. Make <u>one</u> copy of the Certificate of Mailing and <u>one</u> copy of the Affirmation.
 - 2. You need to use a two-hole punch on the top of the original documents and also stamp or write "original" on them. The Self-Help Center has a two-hole punch and a stamp that you can use.
 - 3. Go to the filing counter at the Clerk's Office. The Clerk will file the original documents and will return the file-stamped copies to you. Keep these copies for your records.

CLARK COUNTY FAMILY LAW SELF-HELP CENTER SURVEY

8/1/05

Please help us help you. If you complete this brief survey, we will be able to better determine your needs and how to serve you better. Date Zip Code ☐ First visit ☐ 2 ☐ 3 How many times have you visited the Center? ☐ 5 or more What is the general description of your legal actions: (Check all that apply) ☐ Divorce without children ☐ Order for protection against □ Adoption domestic violence ☐ Annulment ☐ Guardianship of a child ☐ Child support ☐ Guardianship of an adult □ Paternity ■ Modification of child support ☐ Visitation ☐ Custody ☐ Divorce with children □ Name change Other: Are you starting or responding to a legal action? □ Responding ☐ Starting Other: What services are you seeking from the Self-Help Center? (Check all that apply) ☐ Information about ☐ Listing of attorneys ☐ Classes or clinics ☐ Information about willing to accept about family court forms/procedures other legal and ☐ Assistance with community family law cases procedures ■ Notary services completion of forms resources Other: How did you hear about the Self-Help Center? (Check all that apply) ☐ Lawyer referral service ☐ Judge, court employee, or ☐ Law Library court program ☐ Attorney ☐ Walk-in ☐ Legal services provider ☐ District Attorney's Office ☐ Family member or friend ☐ Social services provider ☐ Bar Association ☐ Website ☐ Other: ☐ Yes ☐ No ☐ Yes ☐ No If yes, where did you get your documents? ☐ Self-Help Center Office ☐ Attorney Office supply store ☐ Self-Help Center Website ☐ Law Library Other website □ Paralegal ☐ Other: Have you consulted an attorney regarding your case? ☐ Yes ☐ No If no, why did you not hire an attorney? (Check all that apply) ☐ Cost ☐ Could not find an attorney who spoke my ☐ Prefer to self-represent language ☐ Case refused by an attorney ☐ I do not know any attorneys Other: Have you consulted a paralegal regarding your case? ☐ Yes ☐ No If no, why did you not hire a paralegal? (Check all that apply) ☐ Cost ☐ Could not find a paralegal ☐ I do not know any who spoke my language paralegals ☐ Case refused by a paralegal Other:

Please complete other side...

Please tell us a little about yourself...

Age	☐ Under 18	□ 18 - 30	31 - 40	41 - 50	1 51 -	59 🔲 60 d	or older	
Sex	☐ Male ☐	Female						
Race: (Che	eck the one that	primarily a	pplies)					
☐ W ☐ Af ☐ Ot	rican-American		⊒ America ⊒ Hispanic			☐ Asian		···
What lang	uage is spoken i	n your home	?					
☐ En ☐ Ot				☐ Spa	anish			
How many	children under	the age of 1	8 live in yo	our home?	 0	□1-2 □]3-4 🔲	5 or more
Your gross	monthly incom	e is:						
	elow \$500 00 - \$999			□ \$3,0 □ \$4,0			\$5,000 or	more
Are you cu	rrently receivin	g public assi	stance? .				. 🔲 Ye	es 🔲 No
If y	es, what type of		•	eiving?				
	☐ SSI ☐ Other:	☐ TANI	=	☐ Medicare	• 🗀	Medicaid	☐ Foo	d stamps
What is you	ur highest level	of education	?					
🛄 So	high school me high school ED certificate	Ĺ	☐ High sch ☐ Some co ☐ College (9	☐ Post gra	duate work	<
•	more able to re	-		•		_	. 🔲 Ye	es 🔲 No
Were you t	reated courteou	sly at the Se	lf-Help Ce	nter?			. 🗀 Ye	es 🗋 No
How would	d you evaluate	the service	s offered	by the Cer	i ter? very helpful	Somewhat helpful	Not helpful	Did not use
Cus	stomer Assistan	ce:						
Ref	erences:							
For	ms Packets / Ins	structions: .						
Not	arizations / Typ	ewriters:						
Chi	ldren's Area:							
Please tell u	ıs how we can ir	nprove our	services or	any other	comment	cs		
				·····				

1	STIP
2	(Your name)
3	(Address)
4	(Telephone)
5	In Proper Person
6	DISTRICT COURT
7	CLARK COUNTY, NEVADA
8	Plaintiff,
	vs. CASE NO.:
9	Defendant. DEPT. NO.:
11	STIPULATION AND ORDER
12	COME NOW the parties, and
13	, both in Proper Person, and hereby stipulate and agree
14	that the hearing currently scheduled foratm. shall be
15	continued to the court's next available date.
16	DATED this day of
17	(Plaintiff's signature)
18	
19	(Address)
20	(Telephone)
21	Plaintiff In Proper Person
22	DATED this day of (month),
23	(Defendant's signature)
24	(Address)
25	
26	(Telephone) Defendant In Proper Person
27	© Clark County Family Law Self-Help Center t:\orders\stipcont.wpd (#83)
28	June 13, 2001 ALL RIGHTS RESERVED Use only most current version Please call the Self-Help Center to confirm most current version.

1	<u>ACKNOWLEDGMENT</u>
2 3 4 5 6 7 8	STATE OF NEVADA) ss: COUNTY OF CLARK) On this day of,, before me, the undersigned Notary Public in and for the said County and State, personally appeared, known to me to be the person described in and who executed the foregoing Stipulation and Order, and who acknowledged to me that [] he/[] she did so freely and voluntarily and for the uses and purposes therein mentioned.
9 10 11	WITNESS my hand and official seal.
12	NOTARY PUBLIC
14	<u>ACKNOWLEDGMENT</u>
15 16	STATE OF NEVADA))ss: COUNTY OF CLARK)
17	On this day of,, before me, the undersigned Notary Public
18	in and for the said County and State, personally appeared
19	known to me to be the person described in and who executed the foregoing Stipulation and
20	Order, and who acknowledged to me that [] he/ [] she did so freely and voluntarily and for the
21	uses and purposes therein mentioned.
22	WITNESS my hand and official seal.
23	
24	NOTARY PUBLIC
25 26	///
27 28	© Clark County Family Law Self-Help Center June 13, 2001 ALL RIGHTS RESERVED 1t:\orders\stipcont.wpd (#83) Use only most current version Please call the Self-Help Center to confirm most current version.

1	<u>ORDER</u>
2	UPON A READING of the foregoing Stipulation of the parties and good cause appearing,
3	IT IS HEREBY ORDERED that the hearing presently scheduled for
4	atm. shall be continued to the day of
5	, at the hour ofm.
6	
7	DATED this,
8	
9	DISTRICT COURT JUDGE
10	
11	Respectfully Submitted:
12	
13	(Your signature)
14	
15	
16	Plaintiff/[] Defendant In Proper Person
17	
18 19	
20	
20	
22	
23	
24	
25	
26	
27	
28	© Clark County Family Law Self-Help Center June 13, 2001 ALL RIGHTS RESERVED 1. '\orders\\stipcont.wpd (#83) Use only most current version Please call the Self-Help Center to confirm most current version.

1	NEOJ
2	(Your name)
3	(Address)
4	(Telephone)
5	(Check one) [] Plaintiff/ [] Defendant In Proper Person
	DISTRICT COURT
6 7	CLARK COUNTY, NEVADA
8) CASE NO.:
	<u> </u>
9	Plaintiff,) DEPT. NO.:
10	
11	Defendant.
12	
13	NOTICE OF ENTRY OF ORDER
14	TO: (Other party's name) ; (Check one) [] Plaintiff/[] Defendant ;
1516	TO: (Other party's attorney); (Check one); [] Plaintiff's/[] Defendant's Attorney
17	PLEASE TAKE NOTICE that an Order was duly entered in the above-referenced case on
18 19	the (day) day of (month), (year)
20	DATED this (day) day of (month), (year)
21	(Your signature) By:
22	(Tour signature) By
23	
24	
25	[] Plaintiff/ [] Defendant In Proper Person
26	
27	©Clark County Family Law Self-Help Center GENERAL.DOC\NOTICEEN.4OR.WPD
28	January 2, 2001 ALL RIGHTS RESERVED Use only most current version Please call the Self-Help Center to confirm most current version.

1	CERT
2	(Your name)
	(Address)
3	
4	(Telephone) (Check one) Plaintiff/ Defendant In Proper Person
5	
6	DISTRICT COURT
7	CLARK COUNTY, NEVADA
-	
8	Plaintiff, CASE NO.:
9	vs. DEPT NO.:
10	,)
11	Defendant.
	<u>CERTIFICATE OF MAILING</u>
12	I HEREBY CERTIFY that service of the (name of document)
13	was made on (date) pursuant to NRCP 5(b) by depositing a copy of same in
14	
15	the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows:
16	(Other party's name)
	(Other party's address)
17	(Address)
18	(Address)
19	DATED this day of, (year)
20	
21	(Signature of person who mailed document)
	(Name of person who mailed document)
22	
23	SUBSCRIBED and SWORN to before
24	me this day of (month), (year)
25	
	NOTARY PUBLIC
26	
27	©Clark County Family Law Self-Help Center Certmail.3wp
28	January 2, 2001 Use only most current version ALL RIGHTS RESERVED Please call the Self-Help Center to confirm most current version.
	л

New Policy at the Clerk's Office



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

1 2 3 4 5 6 7	AFRM (Your name) (Address) (Telephone) In Proper Person DISTRICT COURT CLARK COUNTY, NEVADA
7 8) CASE NO.:
9	Plaintiff,
10	vs.) DEPT. NO.:
11	Defendant.
12)
13	AFFIRMATION –DECREE OR ORDER
14	Pursuant to NRS 239.030 The undersigned does hereby affirm that the following documents do not contain the
	social security number of any person: (check the documents being filed at this time)
15	Decrees
16	 □ Default □ Affidavit of Resident Witness □ Request for Summary Disposition
17	☐ Certificate of Mailing ☐ Notice of Entry
18	☐ Affidavit in Support of Request for Summary Disposition
	Other
19	Orders
20	☐ Default ☐ Order ☐ Stipulation and Order
21	☐ Notice of Entry ☐ Certificate of Mailing
22	Other
	The undersigned does hereby affirm that the following documents contain the social
23	security number of a person as required by state or federal law or for the administration of a public program or for an application for a federal or state grant: (check the documents being
24	filed at this time)
25	☐ Child Support and Welfare Party Identification Sheet
26	☐ Other (name of document)
27	
28	(your signature) (date)

© Clark County Family Law Self-Help Center January 1, 2007 ALL RIGHTS RESERVED