

**JOINT PETITION
TO ESTABLISH CUSTODY
AND VISITATION**

D – 9

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 ESTABLISHING CUSTODY, VISITATION AND SUPPORT

PACKET D-9

INSTRUCTIONS FOR FILLING OUT FORMS

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

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

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

Included in this Packet are the following forms:

- 1. A Civil Cover Sheet**
- 2. A Family Court Information Sheet**
- 3. A Personal Case Information Form**
- 4. A Joint Petition To Establish Custody, Visitation and Child Support**
- 5. A Joint Request For Submission Form**
- 6. An Order Establishing Custody, Visitation and Child Support**

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

STEP 1

Filling In The Civil Cover Sheet

Each party must fill in one side of the top portion of the sheet with their name, address and telephone number. Leave the section requesting a Case Number blank. You will be assigned a Case Number when you file your documents with the filing clerk.

Check the box labeled "**Support/Custody/visitation - CU.**"

Fill in the date at the bottom of the sheet. Both parties must print their name and sign their name on the line indicated.

STEP 2

Filling In The Family Court Information Sheet

Print one party's name on the line identified for Plaintiff/Petitioner. Print the other party's name on the line identified for Defendant/Respondent. Leave the spaces for Case No. and Dept. No. blank. You will be assigned a Case No. and Dept. No. when you file your documents with the filing clerk.

Fill in both of your names and Social Security Numbers. If you or the other party do not have a Social Security number, print "do not have one" on the line for the number.

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

STEP 3

Filling In The Personal Case Information Form

In the upper left corner, fill in both of your names, addresses and telephone numbers.

Print one party's name on the line identified for Plaintiff/Petitioner. Print the other party's name on the line identified for Defendant/Respondent. Leave the spaces for Case No. and Dept. No. blank. You will be assigned a Case No. and Dept. No. when you file your documents with the filing clerk.

Follow the directions on the form carefully and fill in the necessary information on dependants and children.

Pay special attention to the information required regarding any other cases that may have been filed regarding the parties or the children. The information required includes cases

such as Temporary Protection Orders, Social Services cases, child support cases or guardianships.

Sign the document.

STEP 4

Filling In The Joint Petition Form

In the upper left corner fill in the name, address and telephone number of each party.

List Mother's name and Father's name where requested. Leave the spaces for Case No. and Dept. No. blank. You will be assigned a Case No. and Dept. No. when you file your documents with the filing clerk.

Follow the directions printed on the Joint Petition very carefully. If the custody, visitation and support information is not complete, the petition cannot be granted.

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

STEP 5

Filling In The Joint Request For Submission Form

In the upper left corner fill in the name, address and telephone number of each party.

List Mother's name and Father's name where requested. Leave the spaces for Case No. and Dept. No. blank. You will be assigned a Case No. and Dept. No. when you file your documents with the filing clerk.

Fill in the information as directed on the form. Both parties must sign at the bottom of the document.

STEP 6

Filling In The Order Establishing Custody, Visitation and Child Support

In the upper left corner fill in the name, address and telephone number of each party.

List Mother's name and Father's name where requested. Leave the spaces for Case No. and Dept. No. blank. You will be assigned a Case No. and Dept. No. when you file your documents with the filing clerk.

Fill in the information as requested on all pages. Do not fill in the date above the Judge's signature.

Complete the information on the last page. Both parties must sign the form where indicated.

STEP 7

Copying and Filing 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 in the courthouse at 75 Court Street, Reno, NV.

There will be a filing fee charged when the documents are filed. You may call the filing clerk's office at (775)328-3110 to confirm the fee amount.

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 originals *and the copies* of your documents. The clerk will assign the case number and the department number, file stamp the documents, keep the originals and give you the file stamped copies back.

If you provide self-addressed, stamped envelopes to the filing clerk when you file your documents, a copy of the final Order can be mailed to each of you.

It is up to you to follow your case. If you do not hear from the court within ten (10) days after filing your documents, you may follow-up with a telephone call to the filing clerk's office (775) 328-3110 to check on the status of your case.

SOME DEFINITIONS and EXPLANATIONS OF TERMS USED IN FAMILY CASES
WITH CHILDREN

The following definitions and explanations are only to be used as general guidance. In no way are they intended to cover all the legal significance and importance of the terms. You are advised to seek a full explanation of the terms, definitions, and explanations, from a private attorney licensed to practice law in the State of Nevada.

Alimony or Spousal Support: Alimony, or Spousal Support is the amount paid to one spouse by the other for a period of time after the marriage is over, usually to assist the spouse in being able to maintain a lifestyle to which that spouse is accustomed, until that spouse can get back on firm financial footing. Spousal support may be for a limited amount of time, such as months or years, until remarriage, or may be permanent until remarriage. If the spouse that is receiving support remarries, unless otherwise agreed upon, and ordered by the court, the spousal support stops at the time of remarriage. There is no formula for spousal support and either party may receive spousal support. The factors governing spousal support are complicated and if you have any questions regarding spousal support, ***they should be discussed with a private attorney.***

Answer to Complaint or Petition: When a defendant or respondent is “served” with a complaint or petition, a ***formal, written, “answer”*** must be filed with the court by the “defendant” or “respondent” within twenty (20) days of the date the Complaint was served, either agreeing with, or opposing, the requests of the plaintiff or petitioner. If the defendant or respondent does not file a written, formal, answer to the claims, the other party (the plaintiff or petitioner) may take a “default” and receive all that they request in the complaint or petition. Very often, when a person receives a copy of the “complaint” or “petition”, they wait for some kind of a notice of a hearing. No hearing is automatically scheduled. Unless the defendant or respondent actually, formally, answers the complaint or petition, in writing, and files it with the court, the court will, most likely, automatically grant the plaintiff or petitioner everything they request.

If the defendant or respondent wants something different than is stated in the Complaint, the defendant or respondent may file a “counterclaim” with the answer.

Child Custody: There are two kinds of custody, “legal” custody and “physical” custody. Physical custody has to do with the actual, physical interaction and contact between parent and child. Legal custody has to do with the rights and responsibilities to make decisions about the important aspects of the child’s life, such as the child’s education and the child’s health needs.

The following are not complete legal definitions, but only give you an idea of what terms are commonly used in documents and what they ***generally*** mean. For a more complete definition, please speak to an attorney, or clarify the terms with the mediator, if you are in mediation, or, clarify the terms at the time of any hearing or conference with the judge.

Primary Physical Custody: The child physically resides with, and spends the great majority of time with, one parent, designated as the primary physical custodian, and the other parent has visitation rights and privileges. For example: the non-custodial parent may have visitation at least every other weekend, one evening during the off week, alternate holidays and some block time for vacation periods. Non-custodial arrangements vary with each set of circumstances.

Joint Physical Custody: Each parent has significant periods of time with the child. It **DOES NOT MEAN** that each parent has an exact equal amount of time with the child. The significant time may be worked out over longer periods such as weekly, monthly, or even annually. This may also be designated as **shared physical custody**. Joint physical custody does not mean that there will be no child support obligation. Usually, there is still a child support obligation of some kind from one parent to the other, depending upon the financial position in which each is left following the divorce.

Sole Physical Custody: Sole physical custody is very seldom granted by the court. Usually, the term is used when one parent is completely out of the child's life, such as in prison, or in circumstances that contact with the non-custodial parent would expose the child to physical danger or abuse. Sole physical custody does not automatically mean that the non-custodial parent has no visitation rights. The court may grant one parent sole physical custody and grant the non-custodial parent specific visitation. The term sole physical custody is most often combined with sole legal custody which then grants one parent the complete control over making all the decisions for the child without any input by the non-custodial parent. However, sole physical custody may also be combined with joint legal custody. In that case, although one parent has the child solely in their physical custody, the important decisions for the child are made with input by the non-custodial parent.

Joint Legal Custody: Both parents equally share the right and responsibility to make decisions about the child's health, education and welfare. Should the parents not be able to agree on such decisions, the parents usually return to mediation to see if they can work out their differences and if they cannot work them out through mediation, the matter is presented to the Court for the final decision. Both parents have an equal right to access such things as the child's doctor's records and school records.

Sole Legal Custody: One parent, alone, has the right and responsibility to make all the decisions about the child's health, education and welfare, without any input from the non-custodial parent. Sole legal custody is only granted in extreme and unusual cases and circumstances.

Child
Support:

Child support is governed by statute and, like child custody, can become complicated. Although the basic formula as set by statute is 18% of the non-custodial parent's gross income for 1 child, 25% for 2 children, 29% for 3 children, 31% for 4 children and an additional 2% for each additional child, **there are deviations from the formula that can be considered**. The minimum child support allowed is \$100.00 per month, per child, and the maximum for each child is determined by the gross income of the non-custodial parent as set out in the statutes, with a cap that is adjusted annually. **Under certain conditions, there are deviations**

from the minimum and maximum amounts. The child support statutes can be found at NRS 125B.070 and NRS 125B.080. You are urged to seek the advice of a private attorney on how to fully address child support and any deviations from the formula. Child support must be reviewed every 3 years or at any time if there is a substantial change of circumstances (such as the loss of a job or the legal responsibility for the support of another family member or another child). It is the responsibility of the parties to request a review and modification of the child support.

Child Visitation: or Parenting Time The statute governing child visitation and exchange is clear. It is not enough to just state “reasonable visitation” in any kind of agreement. The visits and terms of the exchange of the child must be clear and specific. There must be specific days, times and places of exchange included in the agreement, and the holiday calendar must be clearly defined. If there are expenses involved with the exchange and visits, the agreement must state which parent is going to bear the expenses, or, if the expenses are going to be shared. If there is travel involved, who makes the travel arrangements must be stated. If the visitation is going to be “supervised”, the arrangements must be stated as to who will supervise the visits, whether the supervised parenting time will be temporary or permanent, and, if temporary, when unsupervised parenting time will commence, and under what conditions. ***It must be remembered that the written agreement for visitation or parenting time is the controlling agreement and any verbal agreements are usually not enforceable through the courts.***

Complaint: The document filed to start a case. Also may be known as a “Petition”. The “complaint” or “petition” sets out the claims of the “plaintiff” or “petitioner” and tells the court what they want the court to order, as well as the basis for why the court should enter an order granting them what they want. The Complaint, or Petition, is then served on the Defendant, or Respondent, with a Summons notifying the Defendant, or Respondent, that a suit has been filed against them.

Counterclaim While the Complaint or Petition sets out the claims of the “plaintiff” or “petitioner,” a counterclaim sets out the claims of the “defendant” or “respondent”. The counterclaim is included within the Answer to the Complaint that defendant or respondent files. For example, if plaintiff asks for primary physical custody of the children in the Complaint and the defendant wants primary physical custody, the defendant can use the counterclaim to ask for primary physical custody.

Debts: Generally, any bills or debts acquired during the marriage are considered community debts and are equally divided at the time of the divorce. ***There are exceptions.*** Debts that are incurred for such things as gambling or for purchasing things that are not for the benefit of the community, may be considered sole and separate debts. ***Such debts should be discussed with a private attorney.***

Default: When a party does not formally, ***in writing,*** answer or respond to legal documents served on them, the party that filed the documents can request that the court grant them everything they ask for in the documents. The party upon whom the documents were served is said to have “defaulted” and, because they did not file something saying they disagreed with what is being requested, it is assumed they agree with the

requests and the court enters a “default” order. The “default” is most commonly used when a party is served with a divorce complaint and does not file any kind of answer or response and the court grants the divorce on “default”. ***It is important to remember that there are legal time frames in which an answer or response must be filed.***

Defendant: The party that answers or “defends” an action brought against them by the Plaintiff or Petitioner. The Defendant may also be labeled as the Respondent.

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

Mediation: Both parties meet with a professional “mediator”, usually in an attempt to work out a parenting plan for children involved in a custody dispute. However, the division of property may also be “mediated” under certain circumstances. If you file in Washoe, Clark, Douglas and Carson City Counties, mediation of custody and visitation issues is mandatory if the parents cannot come to an agreement regarding custody and visitation of the children. If you file in Washoe, Clark, Douglas and Carson City Counties, you may use the Court mediation programs in the county in which you file. There are certain circumstances under which mediation can be “waived”. However, those circumstances are very special and if you believe you are eligible for waiver of mediation, you need to speak to a private attorney on how to go about filing the correct documents to request that mediation be waived in your case.

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

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

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

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

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

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

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

Property: Following are terms associated with property.

Assets: Generally, *anything* acquired or purchased during the time of the marriage is considered a community asset and, therefore, community property, and it usually does not matter if one name is on the property or both names are on the property. Nevada is a “community property” State and the law in Nevada is that community assets are equally divided at the time of a divorce. *There are some exceptions, and those should be discussed with a private attorney.* The term “community assets” includes: the income of both parties during the marriage and anything purchased with either income, any interest acquired in real property, any retirement funds earned during the marriage, vehicles purchased during the marriage (even if in only one name), furniture purchased during the marriage, etc. In many cases, it does not matter in whose name these things are purchased. Sole and separate property is not *usually* considered “community property” *unless* it was given as a gift to the community or the community has acquired an interest in it in another way. If one party “wastes” community assets or give community assets away without the other party’s knowledge or consent, that party may have to reimburse the community for the “wasting” of assets. If there is a question of wasted assets, *those should be discussed with a private attorney.*

Community Property: Any assets acquired or purchased during the marriage are usually considered “community property”, no matter whose name they are in. That is the starting point for the division of property of the marriage. Nevada is a community property State and it is the law that the division of community property start with an equal division. *However*, there are important deviations and exceptions to equal community property distribution. See “Assets” above. *A private attorney should be consulted regarding division and distribution of community property.*

Sole and Separate Property: Sole and separate property are those things Husband and Wife owned prior to the marriage, and it *may* also include a personal injury

settlement received during the marriage by one of the parties, or money or property inherited by a party *if* the proceeds were kept entirely separate from the community, during the marriage. Sole and separate property remains the property of the individual who owned it prior to the marriage. *There are exceptions, such as a home or other real property.* The “community” may acquire an interest in a home or real property during the time of the marriage even if it belonged to one party prior to the marriage. If there is a question regarding such an interest, and what percentage the community may have acquired, *you are urged to see a private attorney.*

Relocation or Moving Out Of The 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 (PMA) OF CHILD SUPPORT
EFFECTIVE JULY 1, 2011 - JUNE 30, 2012**

NRS 125B.070

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

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

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

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

IMPORTANT
BEFORE
YOU START

READ ALL INSTRUCTIONS
CAREFULLY

DO NOT use Wite-Out®

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

USE Black Ink

PRINT all information neatly

CIVIL (FAMILY-RELATED) COVER SHEET

Washoe County, Nevada

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

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

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

Defendant/Respondent/Co-Petitioner (name/address/phone):
Date of Birth (DOB):
Attorney (name/address/phone):

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

Family-Related Cases

Domestic Relations

Guardianship

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

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

Other Family-Related Case Filing Types

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

Children involved in this case:

Name:
Name:
Name:

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

Date

Signature of Preparer

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

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

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

4 _____,
5 Plaintiff/Petitioner,

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.

=====

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

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

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

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

How long did the child live at that address: _____

With whom did the child live at that address?

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

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

=====

CHILD NUMBER 3

Child's Full Name: _____

Present Address: _____

Date child moved to the present address: _____

Child currently lives with: (check one)

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

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

=====

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

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

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

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

How long did the child live at that address: _____

With whom did the child live at that address?

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

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

CHILD NUMBER 4

Child's Full Name: _____

Present Address: _____

Date child moved to the present address: _____

Child currently lives with: (check one)

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

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

Child's address prior to the present address: _____

How long did the child live at that address: _____

With whom did the child live at that address?

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

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

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

How long did the child live at that address: _____

With whom did the child live at that address?

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

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

Please answer each of the following questions.

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

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

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

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

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

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

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

Location of Court (County & State): _____

Parties involved: _____

Case Number: _____ Type of action: _____

Date case filed: _____ Date case closed: _____

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

Location of Court (County & State): _____

Parties involved: _____

Case Number: _____ Type of action: _____

Date case filed: _____ Date case closed: _____

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

Location of Court (County & State): _____

Parties involved: _____

Case Number: _____ Type of action: _____

Date case file _____ Date case closed: _____

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

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

Dated this _____ day of _____, 20_____.

Signature: _____

Signature: _____

Print Name: _____

Print Name: _____

Address: _____

Address: _____

Telephone: _____

Telephone: _____

1 Code: \$1842
2 Name: _____
3 Address: _____
4 Telephone No. _____
5 Name: _____
6 Address: _____
7 Telephone No. _____
8 Appearing in Proper Person

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

12 _____ Case No. _____
13 (Mother's Name) Dept. No. _____
14 and
15 _____
16 (Father's name) Joint Petitioners
17 _____/

18 **JOINT PETITION TO ESTABLISH CUSTODY, VISITATION AND CHILD SUPPORT**

19 Petitioner Mother, _____, and Petitioner
20 Father _____, appearing in Proper Person,
21 hereby petition this Court, pursuant to the terms of NRS 125A.050, and respectfully request that this
22 Court enter an initial custody, visitation and child support determination based upon their agreement
23 as follows:

- 24 I.
- 25 The current addresses of the Petitioners are:
- 26 Mother's Mailing Address: _____
- 27 Mother's Residence Address: _____
- 28 Father's Mailing Address: _____

1 Father's Residence Address: _____

2 II.

3 ***In the following paragraph, list all children born of this relationship***

4
5 There are _____ minor children born to this couple.
6 (Number of minor children)

7 NAME

AGE

DATE OF BIRTH

8	_____	_____	_____
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____

14
15 III.

16 ***Print "YES" on the line in front of the statement that fits your circumstances.***
17 ***Print "NO" on those lines that are not applicable to your set of circumstances.***

18 _____ A voluntary acknowledgment of paternity was signed by both parents at the time of
19 the child's birth and Father's name is on the birth certificate.

20 _____ Paternity was established through a court proceeding in:

21 Name of court: _____

22 Address of court: _____

23 Date proceeding was held: _____

24 Case Number of court proceeding: _____

25 _____ Through genetic testing, a copy of which is attached to this pleading.

26 _____ The child(ren) have the Father's last name.

27 ///

28 ///

///

1 IV.

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

5 The state of residence of the children is as follows:

<u>Name</u>	<u>State of Residence</u>	<u>Length of Time Child Has Lived in That State</u>
6 _____	_____	_____
7 _____	_____	_____
8 _____	_____	_____
9 _____	_____	_____
10 _____	_____	_____
11 _____	_____	_____
12 _____	_____	_____

13 **STOP HERE and do not fill out any custody and visitation information if the children have
14 not been physically present in the State of Nevada for the past six months. You must seek the
15 assistance of private counsel or the Family Court Self-Help Center.**

16 V.

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

21 **Joint Legal Custody**

22 _____
23 Mother's initials Father's initials Petitioners are fit and proper persons to be awarded joint legal
24 custody of the minor child(ren) _____
25 (Names of the children)

26 _____
27 _____
28 _____

26 ///

27 ///

28 ///

VI.

Physical Custody of the Children
*There are **TWO** different choices in the following paragraph:
(a) joint physical custody or (b) primary physical custody. Choose only **ONE**.
Both parties are to initial the **ONE** choice you agree upon.
In the space for the other one, print "N/A"*

1. Joint Physical Custody

Mother's initials _____
Father's initials _____
Petitioners are fit and proper persons to be awarded joint
physical custody of the minor child(ren) _____

(Names of children)
_____ with visitation and exchange as set out in Paragraph VII.

2. Primary Physical Custody

Mother's initials _____
Father's initials _____
Petitioner _____ is a fit and proper

(Name of custodial parent)
person to have the primary physical custody of the minor child(ren) _____

(Names of the children)
_____ with visitation by the
non-custodial parent as set forth in the following schedule.

VII.

WEEKLY/MONTHLY 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 exchange, 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.*

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

4 Martin Luther King's Birthday will be alternated with _____ having the
(Father or Mother)
5 child(ren) in the year _____ and each _____ year thereafter.
(odd or even)
6

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

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

13 Fourth of July will be alternated with _____ having the child(ren) in
(Father or Mother)
14 the year _____ and each _____ year thereafter.
(odd or even)
15

16 Labor Day will be alternated with _____ having the child(ren) in
(Father or Mother)
17 the year _____ and each _____ year thereafter.
(odd or even)
18

19 Nevada Day will be alternated with _____ having the child(ren) in
(Father or Mother)
20 the year _____ and each _____ year thereafter.
(odd or even)
21

22 Halloween will be alternated with _____ having the child(ren) in
(Father or Mother)
23 the year _____ and each _____ year thereafter.
(odd or even)
24

25 Veteran's Day will be alternated with _____ having the child(ren) in
(Father or Mother)
26 the year _____ and each _____ year thereafter.
(odd or even)
27 ///

28 ///

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

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

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

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

12 _____
13 _____
14 _____

15 _____ shall have a block of time with the child(ren) for vacation
16 (Mother, Father or Both Parents)
17 purposes. That length of time for vacation period shall be _____.
18 (one week, two weeks, three weeks, 1 month)

19 _____ shall notify the other parent, in writing, at least _____
20 (Mother or Father) (number of days or weeks)
21 in advance of the choice of time.

22 _____ Each parent _____ notify the other if he or she
23 Mother's initials Father's initials (shall or shall not)
24 takes the child out of the State of Nevada for more than 24 hours, for any reason. Notification shall
25 be made prior to leaving the State and shall include the date leaving the State, the destination, the
26 date returning to the State, the type of transportation, and, if possible, a telephone number for
27 contact while the child is out of the State.

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

1 _____ Each parent _____ keep the other informed of
2 Mother's initials Father's initials (shall or shall not)
3 the care giver for the child, including name, address and telephone number.

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

12 _____ Both parents are to have equal access to all the child's
13 Mother's initials Father's initials
14 medical records, school records, and any other records generated for the benefit of, or on behalf of,
15 the child.

16 VIII.

17 **CHILD SUPPORT**

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

20 _____ shall pay child support in the amount of \$ _____
21 (Mother of Father)
22 per month, per child, for a total monthly child support obligation of \$ _____
23 per month. The child support shall be paid on or before the _____ day of each month.

24 We came to this agreement based upon the following information:

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

27 Mother's gross monthly income is \$ _____
28 (Amount earned per month before deductions)

1 **DO NOT INITIAL ALL CHOICES.**
2 ***Initial ONLY ONE of the three choices below.***
3 ***Print N/A on those choices you do not use.***

4 _____ is the non-custodial parent and the above is in compliance
5 Mother Father (Mother or Father)
6 with NRS 125B.070 and is _____% of _____
7 (18%, 25%, 29%, 31%) (Mother's or Father's)
8 gross monthly income.

9 **OR**

10 Because Petitioners are joint physical custodians, the amount of child support
11 Mother Father meets the statutory requirement.

12 **OR**

13 The support obligation amount that has been agreed upon by the parties is not
14 Mother Father the amount required in the statutes. Under the statutes, the child support
15 obligation for _____ would be \$_____ per month
16 (Mother or Father)
17 per child. However, Petitioners have agreed to change that amount because:

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

20 _____

21 _____

22 _____

23 _____

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

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

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

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

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

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

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

IX.

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

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

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

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

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

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X.

The parties understand the penalty provisions of NRS 125.510, which state:

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 the court, or removes the child from the jurisdiction of the court without the consent of 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, and 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.

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

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

Date: _____
(Date signed by Mother)

Date: _____
(Date signed by Father)

(Mother's signature)

(Father's signature)

1 Code: **2867**

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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

(Mother's Name)

Case No. _____

11

Dept. No. _____

12

(Father's Name)

13

Joint Petitioners

14

_____ /

15

ORDER ESTABLISHING CUSTODY, VISITATION AND CHILD SUPPORT

16

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

18

_____ and _____
(Mother's Name) (Father's Name)

19

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

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1. That all of the allegations contained in the documents on file are true;

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2. That all of the requirements of NRS 125A.050 have been met;

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3. That this Court has the necessary UCCJA, UCCJEA and PKPA initial and continuing

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jurisdiction to enter orders regarding child custody and visitation on the following children of the union and hereby exercises said jurisdiction:

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NAME

DATE OF BIRTH

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4. That Petitioners have entered into an agreement settling all issues regarding the care, custody, visitation, health insurance, and child support of the child(ren) over which this Court has jurisdiction, said agreement being in the best interest of the child(ren), and Petitioners have requested that their agreement, as set forth in their Joint Petition be ratified, confirmed and incorporated into the Order as though fully set forth herein.

IT IS HEREBY ORDERED 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 Order as though fully set forth.

IT IS FURTHER ORDERED AND THE 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.

1 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
2 1980, adopted by the 14th Session of the Hague Conference on Private International law, apply if a
3 parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice
4 of the following provisions in NRS 125.510(8):

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

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

11 (b) Upon motion of one of the parties, the court may order the
12 parent to post a bond if the court determines that the parent poses an
13 imminent risk of wrongfully removing or concealing the child outside
14 the country of habitual residence. The bond must be in an amount
15 determined by the court and may be used only to pay for the cost of
16 locating the child and returning him to his habitual residence if the
17 child is wrongfully removed from or concealed outside the country of
18 habitual residence. The fact that a parent has significant
19 commitments in a foreign country does not create a presumption that
20 the parent poses an imminent risk of wrongfully removing or
21 concealing the child.

22 **NRS 125C.200 regarding relocation with minor children**

23 If custody has been established and the custodial parent or a parent
24 having joint custody intends to move his residence to a place outside
25 of this state and to take the child with him, he must, as soon as
26 possible and before the planned move, attempt to obtain the written
27 consent of the other parent to move the child from the state. If the
28 noncustodial parent or other parent having joint physical

1 custody refuses to give that consent, the parent planning the move
2 shall, before he leaves the state with the child, petition the court for
3 permission to move the child. The failure of a parent to comply with
4 the provisions of this section may be considered as a factor if a
5 change of custody is requested by the noncustodial parent or other
6 parent having joint custody.

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

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

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

13 DATED this _____ day of _____, 20____.

14
15 _____
16 DISTRICT JUDGE

17 Respectfully Submitted:

18 (Print Name) _____ (Print Name) _____

19 (Signature) _____ (Signature) _____

20 (Address) _____ (Address) _____

21 _____
22 Petitioner in Proper Person

21 _____
22 Petitioner in Proper Person