

# **D-20**

## **COMPLAINT FOR SEPARATE MAINTENANCE (WITH MINOR CHILDREN)**

### **(ALSO KNOWN AS LEGAL SEPARATION)**

#### **Purpose of this packet:**

You and your spouse are currently married, have minor children, you want to establish a custody and visitation plan, and you want to separate your assets from your spouse but remain married.

#### **This packet is used if:**

- You or your spouse has lived in Nevada for more than six weeks.
- You and your spouse have minor children together, either natural-born or adopted.
- The minor children have lived in Nevada for at least the last six months prior to the filing of this Complaint or since birth.

#### **Contents:**

1. Instructions
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4. Confidential Family Court Information Sheet
5. Complaint for Separate Maintenance with Minor Children
  - a. Appendix A: Gross Monthly Income Worksheet
  - b. Appendix B: Child Support Worksheet
6. General Financial Disclosure Form
7. Declaration of Resident Witness
8. Summons
9. Declaration of Personal Service

Note: The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00.

N.R.S. §199.145

## **Instructions:**

### **❑ Step 1: Sign up for an electronic filing account**

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

### **❑ Step 2: Fill out the following forms:**

- Confidential Family Court Information Sheet
- Complaint for Separate Maintenance with Minor Children, including Appendix A and Appendix B
- General Financial Disclosure Form
- Declaration of Resident Witness
- Summons

You will be given a case number and department when your documents are filed with the court. You are the plaintiff in this action; your spouse is the defendant.

Fill out the top section of the Declaration of Resident Witness with your contact information and plaintiff and defendant's names. Have a friend or family member, that is over the age of 18 and a resident of the State of Nevada, fill out the Declaration of Resident Witness for you *or* your spouse.

Fill out the top section of the Summons and the lower section with your name and contact information. Court staff will complete the Summons with a signature, date, and seal, once it has been uploaded into eFlex.

### **❑ Step 3: File your forms**

Electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them.

There is a filing fee. If you are paying the filing fee with a credit card, the credit card must be added into eFlex before you electronically file your documents. Cash payments will need to be brought to the Resource Center. If you cannot afford the filing fee, there is an F-6 Application and Declaration to Waive Fees and Costs that can be used to ask for the filing fee to be waived.

👉 How to add a credit card to your eFlex account:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. To pay the filing fee, you must add a credit card to your eFlex account.
3. Click on "My Profile."
4. Under the "Wallets" section, go to "SECOND JUDICIAL DISTRICT COURT - STATE OF NEVADA - Family Court Fee Payments" and click the "Add" button.
5. Enter a description for the credit card you will be using.
6. Click "Create Credit Card Token." Enter your credit card information and follow the prompts to save it to your account.

👉 How to file your documents using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click "Home;" click "New Case."
3. Select "Family-Related: Domestic Relations" and "Marriage Dissolution Case: Separate Maintenance – LS."
4. Click "Add My Parties (Plaintiffs)" and enter your information as the Party Type "Plaintiff." Click "Add Other Parties (Defendants)" and add your spouse's information as Party Type "Defendant."
5. To file each document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the documents below:

Note: Leave the eFlex Document Category field blank.

- Confidential Family Court Information Sheet  
(Document Type: Family Court Info Sheet)
  - Complaint for Separate Maintenance with Minor Children including Appendix A and Appendix B, all together as one PDF.  
(Document Type: Complaint Legal Separation)
  - General Financial Disclosure Form  
(Document Type: Financial Declaration)  
Note: If you are including pay stubs, your General Financial Disclosure Form and pay stubs must be all together as one PDF document.
  - Declaration of Resident Witness  
(Document Type: Declaration of Resident Witness)
  - Summons  
(Document Type: \*\*Summons Issued)
6. When all documents have been uploaded, review each one by clicking on the hyperlinked file name in the "View Document" column. When you have confirmed everything is correct, click "Next."
  7. Estimated Fees: A filing fee will be displayed. Select how you will satisfy the payment. If you have a credit card on file, select "Wallet Item." If you have an approved fee waiver on file, select "Order Granting Fee Waiver Approved."
  8. When you are ready to submit your documents to the court, click "Submit the Filing."

#### □ **Step 4: Service**

Your spouse must be **personally served** with a file-stamped copy of the Complaint and Summons. **Personal service cannot be completed by you.**

You have 120 days after the complaint is filed to serve your spouse, or your case may be dismissed. The court **WILL NOT AND CANNOT** serve the documents for you.

You can print file-stamped copies of the documents from your eFlex account or visit the Resource Center to obtain copies for a fee

Service of the documents may be completed by:

- A person over the age of 18 years who is not party to the case; or
- The civil division of the sheriff's office in the county where your spouse resides or works (there may be a fee); or
- A private process service (there may be a fee).

Personal service is completed by a person over the age of 18, the sheriff's office, or a private process server by:

- Handing a copy to your spouse; or
- Leaving a copy at your spouse's home with a person of suitable age and discretion who lives there; or
- Delivering a copy to an agent authorized to receive service (such as an attorney).

Serve your spouse with the following documents:

- Complaint for Separate Maintenance with Minor Children
- Summons
- General Financial Disclosure Form
- Declaration of Resident Witness

#### **If you are unable to serve your spouse, or do not know where your spouse is:**

You must make a serious attempt to locate your spouse. If your spouse cannot be personally served after due diligence, you may request the court's permission to provide notice by alternative service or by publishing in the newspaper.

Ex parte motions for alternative service or service by publication are available online at <https://www.washoecourts.com/> or at the Resource Center or the Law Library.

## □ **Step 5: File proof of service**

After you have served your spouse, you must file proof of service with the court.

Fill out the top left portion of the Declaration of Personal Service form with your contact information, plaintiff and defendant's names, case number and department. The rest of the Declaration form must be completed by the person who served the documents (not you).

Electronically file the Declaration of Personal Service yourself or bring it to the Resource Center to get help filing it.

👉 How to file your document using eFlex:

1. Sign in to your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click "Home;" click "Existing Cases."
3. Locate the case you are filing into, click on the blue "eFile" link next to the case number.
4. To file the document, you will select the applicable Document Type, click "Choose File" or "Browse," then locate your document file on your computer, and click "Add."

Follow the prompts to upload the document below:

Note: Leave the eFlex Document Category field blank.

- Declaration of Personal Service  
(Document Type: Affidavit/Declaration of Service)
5. Review the document by clicking on the hyperlinked file name in the "View Document" column. When you are ready to submit your document to the court, click "Next" and then "Submit the Filing."

## □ **Step 6: Contact the department to set a hearing date**

You must schedule a hearing. Contact the Judicial Assistant in the department in which your case will be heard to ask to schedule a hearing. Your first hearing is called a Case Management Conference Hearing.

Go to <https://www.washoecourts.com/Judges> to look up the contact information for your department. Or you may reach out to the Law Library or Resource Center for your department's contact information.

The Judicial Assistant will file a Notice/Order Setting Case Management Conference Hearing into your case. You will receive an eFlex notification when the Notice/Order has been filed. Read the Notice/Order for further instructions on your next steps, and details about the time and location of your hearing.

**If you do not file proof of service at least 21 days prior to the hearing, your hearing may be vacated (canceled).**

## **□ Step 7: Answering a Complaint for Separate Maintenance**

Your spouse has 21 days starting the day after service to file an Answer to the separate maintenance complaint. If your spouse files an Answer and Counterclaim, you may respond with an Answer *to* Counterclaim.

If your spouse files an Answer and Counterclaim and you do not file an Answer to Counterclaim, a default may be taken against you.

If your spouse does not file a response, you may request a default on the Complaint. A P-1 Default packet is available online at <https://www.washoecourts.com/> or at the Resource Center or the Law Library.

**You must follow up on your case and attend all hearings or your case may be dismissed.**

**For procedural questions, or help with electronically filing your documents, visit or contact:**

**Resource Center  
1 South Sierra St., 3<sup>rd</sup> Floor  
Reno, NV 89501  
775-325-6731**

**Law Library  
75 Court St., Room 101  
Reno, NV 89501  
775-328-3250**

## Legal Assistance Information

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

### LAWYER IN THE LIBRARY

Sign up on our website:

<https://www.washoecourts.com/LawLibrary/LawyerInLibrary>

For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

#### NEVADA LEGAL SERVICES

449 S. Virginia St.  
Reno, NV 89501

775-284-3491 – leave a message,  
if necessary

<https://nevadalegalservices.org>

#### NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1<sup>st</sup> Floor  
Reno, NV 89501

775-321-2062 – leave a message,  
if necessary

<https://nnlegalaid.org>