

**MOTION FOR TEMPORARY
CHILD CUSTODY AND
TEMPORARY CHILD SUPPORT**

**Mandatory Electronic Filing Starting on
October 18th, 2018**

Please disregard the filing instructions in this packet. You will need to sign up for an eFlex account at www.washoecourts.com.

Contact the Law Library, Self Help Center, or Filing Office for more information.

Packet M-1

IMPORTANT

THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE
FOR THE
ADVICE OF A PRIVATE ATTORNEY.

IMPORTANT

If either party is in the military, special rules may apply and it is strongly recommended that you seek the advice of an attorney.

Private Counsel is Always Recommended for Legal Matters.

The law allows any person to represent themselves in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to 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 document, read all the material included in this packet regarding custody, visitation, child support, and definitions of terms.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF HELP CENTER, NON-PROFIT ORGANIZATION, OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

MOTION FOR TEMPORARY CHILD CUSTODY AND TEMPORARY CHLD SUPPORT

Packet M-1

THIS PACKET IS NOT TO BE USED ALONE

This packet is to be used **ONLY**:

1. With a *Divorce Complaint Packet* or with an *Answer to a Divorce Complaint* or with a *Petition to Establish Custody and Visitation* or with an *Answer To Petition To Establish Custody and Visitation*.
2. When you want an order from the court granting you custody of the children during the divorce or custody and visitation procedure.

IMPORTANT GENERAL INFORMATION ABOUT THIS PACKET

This packet is to be used *only* when there are no prior orders regarding custody. If there are orders from another court or in another action, it is important that you seek the guidance of private counsel or the Family Court Self-Help Center prior to filing this motion.

This packet is *not to be used* to change or modify an existing child custody or child support order. There are special packets for use in those circumstances.

If this motion is served on the other party *at the same time as* the Complaint or a Petition, the other party has the same amount of time to answer the Motion as they have to answer the Complaint or Petition. Usually twenty-one (21) days.

If this motion is filed *after* the Answer to a Complaint or Answer to a Petition is formally filed, the other party has ten (10) days in which to file a response or opposition to the motion.

There are two sets of instructions in this packet.

OPTION 1 covers the filing and serving of this motion *with the original Complaint or Petition*.

OPTION 2 covers the filing and serving of this motion *with an Answer* to the original Complaint or Petition, *or after* the Answer has been formally filed.

Read the instructions carefully and use only that procedure which is appropriate in your circumstances.

The steps, as outlined, should be followed carefully, fully, and in order. Take special notice of how the documents are to be filled out, how they are to be copied, how they are to be filed, and how they are to be served on the other party or the other party's lawyer.

The forms do not have to be typed but if you are filling the spaces in by hand, be sure to use *a pen with black or blue ink and print neatly. DO NOT USE ANY WHITE-OUT ON THE DOCUMENTS.* The documents will not be accepted for filing if there is any white-out on the pages.

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

The forms included in this Packet are:

1. Motion for Temporary Child Custody and Temporary Child Support
2. Proof of Service (If this Motion is being served with an initial Complaint or Petition, the Proof of Service will not be used.)
3. Reply to Response
4. Request for Submission
5. Proof of Service

NOTE: There are two Proofs of Service included in this packet. If you are filing this Motion with an initial Complaint or Petition you will not need the first Proof of Service.

If you are filing this Motion with an Answer or after an Answer has been filed to the initial Complaint or Petition, you will need both Proofs of Service.

Copying and Filing the Documents

You are responsible for the proper copying and filing of the documents.

It would be wise to make the necessary copies prior to coming to the Filing Clerk's Office to file them in. The Filing Clerk may make copies of your documents for you if you request copies be made and the Clerk has time. *However*, the charge for making copies is ***\$0.50 per page***. Usually, you will need at least two copies of all documents filed, in addition to the original documents. If exhibits are attached to the original documents, a copy of the exhibits must be attached to each of the copies.

The Filing Clerk's Office ***will not put your documents together for you*** to file. It is your responsibility to see to it that the documents are stapled together correctly for filing.

When documents are filed with the Filing Clerk, be sure to take the original ***and the copies*** with you to the Filing Clerk's Office. The Filing Clerk will keep the original documents and will give you back the copies after they have been file stamped, ***except for orders***. Orders that are submitted for consideration by the Judge will be kept by the File Clerk and sent to the Judge with the other documents.

Location of the Filing Clerk's Office

The Filing Clerk's Office is located on the first floor of the courthouse at 75 Court Street, Reno, NV.

OPTION 1

IF THIS MOTION IS GOING TO BE SERVED WITH THE COMPLAINT OR PETITION

STEP 1

Filling In the Motion

Starting in the upper left hand corner, fill in your name, address and telephone number.

Fill in the heading just as it appears on your other documents.

Carefully fill in the information as directed throughout the document.

Be aware that you will fill in ***either*** the questions on employment ***or*** unemployment, depending upon whether the other party is employed or not. ***Do not answer both sets of questions. One set must be filled in as "not applicable."***

You have the opportunity to attach exhibits to the motion such as copies of school records of the children, copies of medical records of the children, and anything else that is relevant to your position in the motion.

Complete the Declaration in Support of Motion.

STEP 2

Copying and Filing the Documents

After signing the motion, make two (2) copies of the motion and any attachments and/or exhibits to the motion, being sure to make copies of all attachments and/or exhibits you are including with the motion, so that each copy of the motion is a complete copy of the original that is being filed.

The motion will be filed *at the same time as* the Complaint or the Petition. Just as with the other documents being filed, the Clerk will keep the original and return the two file stamped copies to you. One is for your records and the other is to be served on the other party *at the same time* the Complaint or Petition is served.

STEP 3

Copying and Filing the Proof of Service

The importance of filling out and filing the Proof of Service cannot be emphasized strongly enough! Without the proper filing of the Proof of Service, the court cannot even look at your motion when the time comes to submit it to the court for a decision.

The Proof of Service is to be filled in and signed by the person who *personally* serves the motion with the Complaint or Petition. If the Sheriff's Department serves the Complaint or Petition for you, you must fill in the heading on the Proof of Service and give the Civil Division the Proof of Service to complete after it is served. The Sheriff's Department also may have its own paperwork to file to prove service. The Sheriff's Department will file the necessary proof of service directly with the Filing Office.

If you have a friend or relative serve the Complaint or Petition and the motion, fill in the heading on the Proof of Service and then have that person fill in the rest of the information and sign the Proof of Service.

The title of the document being served must be entered as "Motion for Temporary Child Custody and Temporary Child Support." After the Proof of Service is signed, one copy must be made of the document. The Proof of Service and the copy must then be filed with the Filing Clerk. The Filing Clerk will keep the original and return the copy to you for your files.

MARK YOUR CALENDAR AND WAIT

The other party has twenty-one (21) days in which to file a response or opposition to the motion. The response or opposition should be filed at the same time the other party files his or her answer to your complaint or petition.

If the other party responds to or opposes the motion, you have five (5) days in which to reply to the response or opposition.

**IF THE OTHER PARTY FILES A RESPONSE TO THE MOTION,
GO TO STEP 4**

**IF THE OTHER PARTY DOES NOT FILE A RESPONSE TO THE MOTION
AFTER THE TWENTY-ONE (21) DAYS HAS EXPIRED,
GO TO STEP 6**

STEP 4

Usually if there is a response or opposition to your motion, it will be filed and served on you with the Answer to your Complaint or Petition.

When you receive the Response to your motion from the other party, you have **five (5) days in which to reply** to what the other party has written in the response. Your reply is limited to strictly what the other party refers to in his or her response. No new issues can be written about in your Reply. New issues that you want to bring up must be done in another motion.

Filling In and Filing the Reply to Response to Motion and Request for Submission

In the upper left hand corner, fill in your name, address and telephone number, and the heading of the case just as it appears on your other documents.

Follow the directions as printed on the form and fill in the information required.

State specifically if you agree or disagree with what the other party states in his or her Response. If you need more room, you may attach more sheets to your Reply. Be sure you write only on one side of the paper.

If you are requesting a hearing be held on your Motion, indicate that and the reason you feel a hearing is necessary.

Complete the Declaration in Support of Reply.

At this time the Request for Submission must also be filled in.

The Request for Submission actually directs the Filing Clerk to send the file from the Clerk's Office to the judge for consideration and a ruling on your Motion. The judge and the judge's law clerk, up to this time, have not seen your Motion or any of the other documents filed.

The Request for Submission is a simple form. Fill in the heading of the case just as it appears on all the other documents. Print the name of the motion submitted as "Motion for Temporary Custody and Temporary Child Support" and the date your Motion was filed. That date is the file stamped date on your Motion.

Make two (2) copies of your Reply and two (2) copies of the Request for Submission after they are filled out and signed. The original and the two copies must be taken to the filing Clerk's Office and filed in. The Clerk will keep the original of each documents and file stamp the copies and return the filed stamped copies to you.

One copy is your copy and the other copy must be served on the other party or the other party's lawyer. **These documents may be served either by mail or personally, and they can be served by you.**

After you either mail the Reply and Request for Submission or personally serve the documents on the other party or the other party's attorney, the second Proof of Service must be filled in and filed. Without the second Proof of Service showing your Reply and the Request for Submission were served on the other party or the other party's lawyer, the court cannot consider your Motion.

STEP 5

The Second Proof of Service in the Packet

The second Proof of Service in the packet:

1. Fill in the required information. List the document that was served as "Reply to Response and Request for Submission.
2. Make two (2) copies.
3. Take the original and the two copies to the Filing Clerk's Office for filing.

If The Other Party Does Not Respond Within The Twenty-one (21) Days

STEP 6

If the other party does not respond to your motion within the twenty-one (21) days, you may file the Request for Submission form.

You will not use the Reply to Response to Motion if the other party has not filed a Response.

BEFORE YOU FILE THE REQUEST FOR SUBMISSION

If the other party files a Response, you should be served with a copy of the Response. However, there is always the chance the other party did not serve you with a copy. Therefore, before you file the Request for Submission, you should check with the Filing Clerk's Office to see if a Response was filed by the other party and just not served on you. If it is on file, you may want to file a Reply to whatever the other party has written before filing your Request for Submission. If the other party has not filed a Response, you may go forward and file the Request for Submission.

The Request for Submission actually directs the Filing Clerk to send the file from the Clerk's Office to the judge for consideration and a ruling on your Motion. The judge and the judge's law clerk, up to this time, have not seen your Motion, or any of the other documents filed.

Filing In and Filing the Request for Submission

The Request for Submission is a simple form. Fill in the heading of the case just as it appears on all the other documents. Print the name of the motion submitted as "Motion for Temporary Custody and Temporary Child Support" and the date your Motion was filed. That date is the file stamped date on your Motion.

Make two (2) copies of the Request for Submission after it is filled out and signed. The original and the two copies must be taken to the Filing Clerk's Office and filed in. The Clerk will keep the original and file stamp the copies and return the filed stamped copies to you.

One copy is your copy and the other copy must be served on the other party or the other party's lawyer. **These documents may be served either by mail or personally, and they can be served by you.**

Once the Request for Submission is served on the other party or the other party's lawyer, the second Proof of Service must be filled in, copied and filed with the Filing Clerk. If the second Proof of Service is not filed with the Filing Clerk, the judge will not be able to consider your Motion.

The Second Proof of Service in the Packet

The second Proof of Service in the packet is to be filled out and filed with the Filing Clerk immediately after the Request for Submission is served on the other party or mailed to the other party.

The second Proof of Service in the packet:

4. Fill in the required information. The document served is "Request for Submission."
5. Make two (2) copies.
6. Take the original and the two copies to the Filing Clerk's Office for filing.

AFTER THE DOCUMENTS HAVE BEEN FILED AND SUBMITTED

At this point, the judge will consider the Motion and all other documents on file in the case and then issue an Order. The Order will be mailed to both parties and may require more documentation to be filed, or it may require a hearing to be set, or it may make a final decision on the Motion based upon the documents presented to the Court.

It is up to you to follow-up on your Motion. Because of the tremendous volume of cases in the Family Court system, there is always the possibility of paperwork being delayed. If you do not hear from the court within a two-week period after you file your Request for Submission and final Proof of Service, you may call the Filing Clerk's Office and check on the status of your case.

OPTION 2

IF THIS MOTION IS GOING TO BE FILED AND SERVED WITH AN ANSWER **OR** **FILED AND SERVED AFTER AN ANSWER HAS PREVIOUSLY BEEN FILED**

If this motion is going to be filed and served *with* an answer, *or after* an answer has formally been filed and served, the timing and procedure is quite different than what happens in Option 1.

In this set of circumstances, the other party has only ten (10) days in which to respond to the motion, not twenty-one (21) days to respond, as in Option 1.

STEP 1

Filing in Motion

Starting in the upper left hand corner, fill in your name, address and telephone number. Complete the heading as it appears on the other documents. ***The heading never changes.*** If you are named as the Plaintiff or Petitioner on the original documents, you will always be named as the Plaintiff or Petitioner. If you are the Defendant or Respondent on the original documents, your name will always appear as the Defendant or Respondent on documents that are filed.

The Case No. and Dept. No. also remain the same on all documents.

Carefully fill in the information as directed throughout the documents.

Fill in *either* the questions if the party is employed *or* the questions if the party is unemployed at this time. ***Do not answer both sets of questions. One set must be filled in as “not applicable.”***

You have the opportunity to attach exhibits to the motion such as copies of school records of the child(ren), copies of medical records of the child(ren), and anything else that is relevant to your position in the motion.

Complete the Declaration in Support of Motion.

STEP 2

Copying and Filing the Documents

After signing the motion, make two (2) copies of the motion and any attachments and/or exhibits to the motion, being sure to make copies of all attachments and/or exhibits you are including with the motion, so that each copy of the motion is a complete copy of the original that is being filed.

If you are going to serve this motion *with* the Answer, it will be filed at the same time as your Answer and served on the other party at the same time as your Answer is served.

When this motion is filed, the Clerk will keep the original and return the two file stamped copies to you. One is for your records and the other is to be served on the other party.

This motion may also be filed and served by either party *after* the formal Answer has been filed and served.

STEP 3

Filling In and Filing the Proof of Service

The importance of filling out and filing the Proof of Service cannot be emphasized strongly enough! Without the proper filing of the Proof of Service, the court cannot even look at your motion when the time comes to submit it to the court for a decision.

When you serve this motion *with* the Answer or as an independent document, the Proof of Service must be filled out and signed by the person who *actually* either personally serves the motion or who mails the motion. If the Sheriff's Department serves the motion for you, with the Answer, you must fill in the heading on the Proof of Service and give the Sheriff's Department the Proof of Service to complete after it is served. The Sheriff's Department also may have its own paperwork to file to prove service. The Sheriff's Department will file the necessary proof of service directly with the filing office.

If you have a friend or relative serve the motion, fill in the heading on the Proof of Service and then have that person fill in the rest of the information and sign the Proof of Service.

Service of this motion may also be made directly by you either by mail or personally on the other party. If you mail the motion or serve it on the other party or the other party's attorney, you must fill out the Proof of Service and sign it.

The title of the documents served must be entered as "Motion for Temporary Child Custody and Temporary Child Support."

After the Proof of Service is signed, one copy must be made of the document. The Proof of Service and the copy must then be filed with the Filing Clerk. The Filing Clerk will keep the original and return the copy to you for your files.

MARK YOUR CALENDAR AND WAIT

The other party has ten (10) days in which to respond to our oppose the motion if the motion was personally served. If the motion was mailed, the other party has ten (10) days plus three (3) days from the day of mailing to respond.

If the other party responds to or opposes the motion, you have five (5) days in which to reply to the response or opposition if the response was personally served, and five (5) days plus three (3) days from the postmarked date if the response was mailed to you.

**IF THE OTHER PARTY FILES A RESPONSE TO THE MOTION,
GO TO STEP 4**

**IF THE OTHER PARTY DOES NOT FILE A RESPONSE TO THE MOTION,
GO TO STEP 6**

STEP 4

Usually if there is a response or opposition to your motion, it will be filed and served on you by the other party.

When you receive the Response to your motion from the other party, you have **five (5) days in which to reply** to what the other party has written in the response, if the response was personally served on you. If the Response was served by mail, you have **five (5) days plus three (3) days from the postmarked date to reply**. Your reply is limited to strictly what the other party refers to in his or her response. No new issues can be brought up in your Reply. New issues that you want to bring up must be done in another Motion.

Filing In the Filing the Reply to Response to Motion and Request for Submission

In the upper left hand corner, fill in your name, address and telephone number and the heading of the case just as it appears on your other documents.

Follow the directions as printed on the form and fill in the information required.

This is your opportunity to answer, agree or disagree with what the other party states in his or her Response. If you need more room, you may attach more sheets to your reply. Be sure you write only on one side of the paper.

If you are requesting a hearing be held on your Motion, indicate that and the reason you feel a hearing is necessary.

Complete the Declaration in Support of Reply.

At this time, the Request for Submission must also be filled in.

The Request for Submission actually directs the Filing Clerk to send the file from the Clerk's Office to the judge for consideration and a ruling on your Motion. The judge and the judge's law clerk, up to this time, have not seen your Motion or any of the other documents filed.

The Request for Submission is a simple form. Fill in the heading of the case just as it appears on all other documents. Print the name of the document served as "Motion for Temporary Custody and Temporary Child Support" and the date your Motion was filed. That date is the file stamped date on your Motion.

Make two (2) copies of your Reply and two (2) copies of the Request for Submission after they are filled out and signed. The original and the two copies must be taken to the Filing Clerk's Office and filed in. The Clerk will keep the original of each document and file stamp the copies and return the file stamped copies to you.

One copy is your copy and the other copy must be served on the other party or the other party's lawyer. **These documents may be served either by mail or personally, and they can be served by you.**

After you either mail the Reply and Request for Submission or personally serve the documents on the other party or the other party's attorney, the second Proof of Service must be filled in and filed. Without the second Proof of Service showing your Reply and the Request for Submission were served on the other party or the other party's lawyer, the court cannot consider your Motion.

STEP 5

The Second Proof of Service in the Packet

The second Proof of Service in the packet:

7. Fill in the required information. List the document that was served as "Reply to Response and Request for Submission"
8. Make two (2) copies
9. Take the original and the two copies to the Filing Clerk's Office for filing.

If the Other Party Does Not Respond Within the Ten (10) Days

STEP 6

If the other party does not respond to your motion within the ten (10) days, you may file the Request for Submission form.

You will not use the Reply to Response to Motion form if the other party has not filed a Response.

BEFORE YOU FILE THE REQUEST FOR SUBMISSION

If the other party files a Response, you should be served with a copy of the Response. However, there is always the chance the other party did not serve you with a copy. Therefore, before you file the Request for Submission, you should check with the Filing Clerk's Office to see if a Response was filed by the other party and just not served on you. If it is on file, you may want to file a Reply to whatever the other party has written before filing your Request for Submission. If the other party has not filed a Response, you may go forward and file the Request for Submission.

The Request for Submission actually directs the Filing Clerk to send the file from the Clerk's Office to the judge for consideration and a ruling on your Motion. The judge and the judge's law clerk, up to this time, have not seen your Motion, or any of the other documents filed.

Filling In and Filing The Request for Submission

The Request for Submission is a simple form. Fill in the heading of the case just as it appears on all the other documents. Print the name of the document served as "Motion for Temporary Custody and Temporary Child Support" and the date your Motion was filed. That date is the file stamped date on your Motion.

Make two (2) copies of the Request for Submission after it is filled out and signed. The original and the two copies must be taken to the filing Clerk's Office and filed in. The Clerk will keep the original and file stamp the copies and return the file stamped copies to you.

One copy is your copy and the other copy must be served on the other party or the other party's lawyer. **These documents may be served either by mail or personally, and they can be served by you.**

Once the Request for Submission is served on the other party or the other party's lawyer, the second Proof of Service must be filled in, copied and filed with the Filing Clerk. If the second Proof of Service is not filed with the Filing Clerk, the judge will not be able to consider your Motion.

The Second Proof of Service in the Packet

The second Proof of Service in the packet is to be filled out and filed with the Filing Clerk immediately after the Request for Submission is served on the other party or mailed to the other party.

The second Proof of Service in the packet:

Fill in the required information. The document served is the "Request for Submission."

Make two (2) copies

Take the original and the two copies to the Filing Clerk's Office for filing

AFTER THE DOCUMENTS HAVE BEEN FILED AND SUBMITTED

At this point, the judge will consider the Motion and all other documents on file in the case and then issue an Order. The Order will be mailed to both parties and may require more documentation to be filed, or it may require a hearing to be set, or it may make a final decision on the Motion based upon the documents presented to the court.

It is up to you to follow up on your Motion. Because of the tremendous volume of cases in the Family Court system, there is always the possibility of paperwork being delayed. If you do not hear from the court within a two-week period after you file your Request for Submission and final Proof of Service, you may call the Filing Clerk's office and check on the status of your case.

IMPORTANT
BEFORE
YOU START

READ ALL INSTRUCTIONS
VERY CAREFULLY

Do NOT use white-out

correction fluid on the documents.

The Filing Office will not accept documents
with white-out on them.

Use Black Ink

PRINT all information neatly