

**MOTION FOR  
TEMPORARY SPOUSAL  
SUPPORT AND  
PRELIMINARY  
ATTORNEY'S FEES**

**M-2**

Self Help Center  
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# **DIVORCE**

## **supplemental packet**

### **Motion for Temporary Spousal Support**

### **And Preliminary Attorney's Fees**

#### **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 *in an initial divorce action*.
2. When you need help in paying our living expenses and the community debts while the divorce proceedings are going on.
3. When you need money to retain an attorney to represent you in the divorce action.

If you have any questions regarding the documents or procedures, you are advised to seek the advice of a private attorney or to visit the Family Court Self Help Center located at One South Sierra Street.

## IMPORTANT GENERAL INFORMATION ABOUT THIS PACKET

This packet is to be used *only* when there are no prior orders regarding spousal support and preliminary attorney's fees in the action. 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.

You may use this packet to request *either* temporary spousal support *or* preliminary attorney's fees *or* to request both temporary spousal support *and* preliminary attorney's fees. If you are only requesting *one*, print "not applicable" in the spaces allotted for the other request.

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

You may not "submit" this motion to the court for a decision without first serving it on the other party and allowing the other party the opportunity to answer, or oppose, the motion within the time period allowed by the law.

If this motion is served on the other party *at the same time as* the Complaint or Petition, the other party has the same amount of time (21 days) in which to answer, or oppose, the motion, as he or she has to answer the Complaint or Petition.

If this motion is served on the other party *with* an Answer to a Complaint or an Answer to a Petition, or *after* the Answer to a Complaint or Petition is formally filed, the other party has ten 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 the 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 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 blue or black 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 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.

The forms included in this Packet are:

1. Motion for Temporary Spousal Support and Preliminary Attorney's Fees
2. Proof of Service
3. Reply to Response
4. Request for Submission
5. Proof of Service

**NOTE:** There are two Proofs of Service included in this packet. You will need both of them. They will be used and filed at different times during the procedure.

### Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, and at the Second Judicial District Court.

Sign into your eFlex account using the username and password you created and electronically file the documents.

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available at the Second Judicial District Court.

There may be a filing fee charged when documents are filed. Fee information is available at the Filing Office and online at: [www.washoecourts.com](http://www.washoecourts.com).

Once a document has been electronically filed, a Notice of Electronic Filing will be automatically generated and sent to any electronic filers in the case. All electronic filers have agreed to accept the notice as valid and effective service. This replaces the need for paper service, unless this motion is being filed with the initial Complaint or Petition.

If the other party has not yet signed up for electronic filing, or you do not know whether the other party is an electronic filer, please contact the Self Help Center.

**Additional steps are required to complete service if this motion is being filed with the initial Complaint or Petition or the other party is not an electronic filer.**

The Notice of Electronic Filing does not replace the Proof of Service.

## OPTION 1

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

#### STEP 1

##### Filling in the Motion

Start in the upper left hand corner, fill in your name, address, telephone number, and email. Fill in your name as the Plaintiff (Petitioner) and the other party's name as the Defendant (Respondent). Leave the Case No. and Dept. No. blank. The Filing Clerk will fill those in just as the Filing Clerk will fill in the Case No. and Dept. No. on your Complaint or Petition.

Carefully fill in the information as directed through 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 ***must state sums certain for spousal support and attorney's fees.*** The court cannot "guess" how much you need or how much you want it to order.

You have the opportunity to attach exhibits to the motion such as copies of bills for which you are responsible, your pay stubs, if appropriate, a budget, and/or anything else that is relevant to your position in the motion.

Complete and sign the Declaration.

#### STEP 2

##### File the Motion

Sign into your eFlex account and file you motion along with any exhibits.

#### 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.***

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 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 Spousal Support and Preliminary Attorney's Fees." 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 or opposition to your motion from the other party, you have **five (5) days**, beginning the day after service, to file a Reply to the opposition/response. If the other party serves you by U.S. Mail, you have **eight (8) days, starting the day after mailing**, to file a Reply to the opposition/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, telephone number, and email. Fill in 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 and sign 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 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 Spousal Support and Preliminary Attorney's Fees" and the date your Motion was filed. That date is the file stamped date on you Motion.

Sign in to eFlex and file your documents. If the other party is an electronic filer, they will be served by electronic service. If they have not yet signed up for electronic service, contact the Self Help Center.

## **STEP 5**

### **The Second Proof of Service in the Packet**

In the upper left hand corner, fill in your name, address, telephone number, and email. Fill in 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.

***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.***

#### 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 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 motion submitted as "Motion for Temporary Spousal Support and Preliminary Attorney's Fees" and the date your Motion was filed. That date is the file stamped date on your Motion.

Sign in to eFlex and file your document. If the other party is an electronic filer, they will be served by electronic service. If they have not yet signed up for electronic service, contact the Self Help Center.

#### The Second Proof of Service in the Packet

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

Fill in 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.

***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.***

**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 served through eFlex, or by mail to each party 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 60 days of filing 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

#### Filling In the Motion

Starting in the upper left hand corner, fill in your name, address, telephone number, and email. 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 the 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 debts for which you are responsible, your pay stubs, if appropriate, a budget and/or anything else that is relevant to your position in the motion.

Be sure to state your request or requests in a ***sum certain***. The court cannot “guess” how much temporary spousal support you want or need or how much you need for preliminary attorney’s fees. You must put in specific figures.

Complete and sign the Declaration.

### STEP 2

#### Filing the Documents

Sign into your eFlex account and file your motion along with any exhibits. If the other party is an electronic filer, they will be served by electronic service. If they have not yet signed up for electronic service, contact the Self Help Center.

### **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. If the other party is an electronic filer, eFlex will serve the documents on them, but you will still need to fill out a Proof of Service and mark that the party was served through eFlex.

The title of the documents served must be entered as "Motion for Temporary Spousal Support and Preliminary Attorney's Fees."

After the Proof of Service is signed, sign into your eFlex account and file your Proof of Service.

#### **Time to Respond**

If you served the other party through eFlex or personal service, the other party has ten (10) days, beginning the day after service, to file an opposition/response to the request.

If you served the other party by U.S. Mail, the other party has thirteen (13) days, beginning the day after mailing, to file an opposition/response to the request.

If the other party does not oppose/respond within that time, you will file the Request for Submission to send your request to the judge for review. Please skip STEP 4 and continue to STEP 6.

If the other party does file an opposition/response, you have five (5) days, beginning the day after service, to file a Reply to the opposition/response. If the other party serves you by U.S. Mail, you have eight (8) days, starting the day after mailing, to file a Reply to the opposition/response. Please continue to STEP 4.

## STEP 4

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

When you receive the Response to your motion from the other party, you have five (5) days, beginning the day after service, to file a Reply to the opposition/response. If the other party serves you by U.S. Mail, you have eight (8) days, starting the day after mailing, to file a Reply to the opposition/response. 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.

### 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, telephone number, and email. Fill in 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 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 and sign 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 Spousal Support and Preliminary Attorney's Fees" and the date your Motion was filed. That date is the file stamped date on your Motion.

**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