

MOTION FOR CHANGE OF CUSTODY OR VISITATION

M-4

Resource Center
1 South Sierra St., Third Floor
Reno, NV 89501
775-325-6731

www.washoecourts.com

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**MOTION FOR CHANGE OF
CUSTODY OR VISITATION**

PACKET M-4

Use this motion packet only if all of the following statements are true:

- You have a case with an existing order regarding child custody or visitation in the Second Judicial District Court.
- You are requesting the court change the existing order.

INSTRUCTIONS FOR COMPLETING FORMS

Carefully read all instructions before starting to fill out any of the forms.

Use **black or blue ink only**. Neatly print the information requested.

Do not use correction fluid/tape on the forms.

This packet contains the following forms:

1. Motion for Change of Custody or Visitation
2. Motion/Opposition Notice
3. Proof of Service
4. Reply to Opposition to Motion for Change of Custody or Visitation*
*Only to be used if the other party responds to your motion.
5. Request for Submission
6. Proof of Service

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.

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INSTRUCTIONS: STEP 1

Complete the Motion for Change of Custody or Visitation as Shown:

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

3) Complete pages 1 – 8, following the instructions on each page.

4) Date, sign, and print your name on page 8.

1	Code: 2350
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	
8	IN THE FAMILY DIVISION
9	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10	IN AND FOR THE COUNTY OF WASHOE
11	
12	
13	_____
14	Plaintiff / Petitioner / Joint Petitioner, Case No. _____
15	vs. Dept. No. _____
16	
17	_____
18	Defendant / Respondent / Joint Petitioner.
19	
20	<u>MOTION FOR CHANGE OF CUSTODY OR VISITATION</u>
21	
22	<u>Type of Motion</u>
23	Place an "X" in the box(es) that describe what you are requesting from the Court.
24	1. <input type="checkbox"/> A change in custody
25	<input type="checkbox"/> A change in the general visitation schedule
26	<input type="checkbox"/> Other: _____
27	//
28	//
	REV 12/24/19 JDB 1 M4 MOTION

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INSTRUCTIONS: STEP 2

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, in the Law Library and the Resource Center.

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

- Motion to Change Custody or Visitation, Motion/Opposition Notice, and any exhibits.

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.

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 Resource Center. Additional steps are required to complete service if the other party is not an electronic filer.

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 Law Library and the Resource Center.

There may be a filing fee charged when documents are filed. Fee information is available at the Resource Center and online at: www.washoecourts.com.

FILING FEE WAIVERS

If you cannot afford the fee, you may apply to have it waived. To apply, you must fill out and file the **F-6 Application for Waiver of Fees and Costs packet**, which you can get at:

- Resource Center, 1 South Sierra Street, Reno, NV, Third Floor
- Law Library, 75 Court Street, Reno, NV, First Floor
- Online at: www.washoecourts.com (select the “Forms and Packets” tab on the right hand side of the home screen)

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INSTRUCTIONS: STEP 3

Serving the Documents

If the other party has not yet signed up for electronic filing, please contact the Resource Center.

If the other party is an electronic filer, they will be automatically served a file-stamped copy of all the forms filed through eFlex. Once a document has been filed, a Notice of Electronic Filing will be automatically generated and available to be viewed on your eFlex account. The Notice of Electronic Filing will tell you whether the other party is an electronic filer or not.

INSTRUCTIONS: STEP 4

Complete the Proof of Service as Shown:

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No. and Dept. No. just as they appear on all other documents in this case.

3) Print the name of the person served, the date, and select how they were served.

4) The person who completed service must date, sign, and print their name.

1	Code: 3720
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	IN THE FAMILY DIVISION
8	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	Plaintiff / Petitioner / Joint Petitioner, Case No. _____
11	vs. Dept. No. _____
12	Defendant / Respondent / Joint Petitioner.
13	PROOF OF SERVICE
14	I served a true and correct copy of the Motion to Change Custody or Visitation upon the
15	following people:
16	1. Name: _____ Date: _____
17	By: <input type="checkbox"/> Service by eFlex <input type="checkbox"/> Personal Service
18	<input type="checkbox"/> Certified mail, return receipt attached <input type="checkbox"/> U.S. Mail, postage prepaid
19	<input type="checkbox"/> Other: _____
20	Address where service occurred, if applicable: _____
21	If more room is needed, attach additional sheets.
22	A copy of this Proof of Service has been electronically served, mailed, or personally delivered
23	to all parties or their lawyer.
24	This document does not contain the personal information of any person as defined by
25	NRS 603A.040.
26	Date: _____ Your Signature: _____
27	Print Your Name: _____
28	
	REV 9/2018 JCB 1 M4 PROOF OF SERVICE

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INSTRUCTIONS: STEP 5

Filing the Proof of Service

After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 3. There will not be a filing fee for the proof of service.

Without proof of service on the other party, the court cannot consider your motion.

INSTRUCTIONS: STEP 6

Time to Respond

If you served the other party through eFlex or personal service, the other party has fourteen (14) 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 seventeen (17) 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 INSTRUCTIONS: STEP 7 and continue to INSTRUCTIONS: STEP 8.

If the other party does file an opposition/response, you have seven (7) days, beginning the day after service upon you, to file a Reply to the opposition/response. If the other party serves you by U.S. Mail, you have ten (10) days, starting the day after mailing, to file a Reply to the opposition/response. Please continue to INSTRUCTIONS: STEP 7.

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INSTRUCTIONS: STEP 7

Only use this form if the other party has responded to your motion.

Complete the Reply to Opposition to Motion as Shown:

1) Print your name, address, telephone number, and email.

1 Code: 3795
2 Name: _____
3 Address: _____
4 Telephone: _____
5 Email: _____
6 Self-Represented Litigant

2) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE
10
11 _____, Case No. _____
12 Plaintiff / Petitioner / Joint Petitioner, Dept. No. _____
13 vs.
14 _____
15 Defendant / Respondent / Joint Petitioner.

3) Complete pages 1 – 2, following the instructions on each page.

16
17 REPLY TO OPPOSITION TO MOTION FOR CHANGE OF CUSTODY OR VISITATION

4) Date, sign, and print your name on page 2.

18 Reply
19 Below, write your reply to the opposition.
20
21
22 A. _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

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INSTRUCTIONS: STEP 8

Complete the Request for Submission as Shown:

1) Print your name, address, telephone number, and email.

1 Code: 3860
2 Name: _____
3 Address: _____
4 Telephone: _____
5 Email: _____
6 Self-Represented Litigant

2) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE
10 _____, Case No. _____
11 Plaintiff / Petitioner / Joint Petitioner, Dept. No. _____
12 vs.
13 _____
14 Defendant / Respondent / Joint Petitioner.

3) Print the date you filed the motion with the court.

15
16
17 REQUEST FOR SUBMISSION
18
19 I request that the Motion for Change of Custody or Visitation filed on *(date the document was*
20 *filed with the Court)* _____ be submitted to the Court
21 for decision.

4) Date, sign, and print your name.

22 This document does not contain the personal information of any person as defined by NRS
23 603A.040.
24
25 Date: _____ Your Signature: _____
26 Print Your Name: _____
27
28

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INSTRUCTIONS: STEP 9

Filing the Reply and/or Request for Submission

You must file the reply and/or request for submission with the court. See INSTRUCTIONS: STEP 4. There will not be a filing fee for these documents.
INSTRUCTIONS: STEP 10

Completing and Filing the Proof of Service

Complete the second proof of service. After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 2, 3, & 4. There will not be a filing fee for the proof of service.

Without proof of service on the other party, the court cannot consider your motion.

What Happens Now?

Now that you have completed all the steps, your motion has been sent to the court for a decision. The court has approximately 60 days to grant, deny, or set your motion for a hearing.

Legal Assistance

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. **The Resource Center cannot give legal advice** but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

For information contact the Law Library at 775-328-3250.

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

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509
(775) 284-3491 – leave a message if necessary
<https://nlslaw.net>

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501
(775) 329-2727 – leave a message if necessary
www.washoelegalservices.org