M-4
MOTION FOR CHANGE OF CUSTODY OR VISITATION

Purpose of this packet:

Used to request a change in an existing court order for custody or visitation.

Contents:

1. Instructions
2. Legal Assistance Information
3. Motion for Change of Custody or Visitation
4. Declaration of Moving Party
5. Proof of Service
6. Reply to Opposition (if applicable)
7. Request for Submission
8. Proof of 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 (if you don't already have one)**

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:**

- Motion for Change of Custody or Visitation
- Declaration of Moving Party

Include the case number and department number of the family case you are filing into.

The Declaration of Moving Party form must be fully completed and filed along with your Motion for Change of Custody or Visitation, even if it contains the same or similar information as your Motion.

☐ **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 may be 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://wceflex.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://wceflex.washoecourts.com/.
2. Click "Home;" click "Existing Cases."
3. Locate the case you are filing into, and click on the blue "eFile" link next to the case number.
4. 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 document below:

Note: Leave the eFlex Document Category field blank.

- Motion
  (Document Type: Mtn Modify Custody/Visit)
- Declaration of Moving Party
  (Document Type: Declaration of Moving Party)

5. When all documents has been uploaded, review them by clicking on the hyperlinked file name in the “View Document” column. When you have confirmed everything is correct, click “Next.”
6. Estimated Fees: There may be a filing fee, even if eFlex shows a balance of zero. Select how you will satisfy the payment if it is determined that your motion has a filing fee. 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.”
7. When you are ready to submit your document to the court, click “Submit the Filing.”

☐ **Step 4**: **Service**

You must serve (provide) the other party with a copy of your Motion and Declaration. Service of your motion and declaration may be done by electronic service (eFlex), mail, or personal service. The court **WILL NOT AND CANNOT** serve the documents for you.

Service by eFlex:

Service will be made electronically by eFlex if the other party has an active eFlex account.

To view which parties in the case will be served electronically, log into eFlex. On the home page, in the provided box, type in your case number, then click the blue “Service List” button. The eFlex system will generate a list of who will receive electronic notice and who will need to be served another way.

If the other party does not have an eFlex account, you can serve them by mail or personal service. You can print file-stamped copies of your documents from your eFlex account or visit the Resource Center to obtain copies for a fee.

Service by mail:

Service may be made by regular mail, certified mail, or registered mail. If you serve by certified mail, keep the white slips and green return cards to attach to your Proof of Service form.

Personal service:

Service may be made by handing a file-stamped copy of your documents to the other party.

☐ **Step 5: File proof of service**

After you have served the other party, you must file proof of service with the court.

A "Notice of Electronic Filing" will be generated by the eFlex system when any documents are filed into the case. A "Notice of Electronic Filing" does not replace the requirement of filing proof of service with the court.

Complete the first Proof of Service form with the date you served the documents and how you served the other party.

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

↳ How to file your Proof of Service using eFlex:

1. Sign in to your eFlex account: https://wceflex.washoecourts.com/.
2. Click "Home;" click "Existing Cases."
3. Locate the case you are filing into, and 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 following document:

   Note: Leave the eFlex Document Category field blank.

   - Proof of Service
     Note: If you are including mailing receipts, your Proof of Service and receipts need to be all together as one PDF document.
     (Document Type: Proof 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 "Submit the Filing."

☐ **Step 6: Response to your Motion**

After you file and serve your documents, the other party can file their response, also known as an *Opposition*, to your Motion.

If you served your Motion and Declaration through eFlex or personal service, the other party has **14 days**, beginning the day after service, to file an Opposition to your Motion.

If you served the other party by U.S. mail, they have 17 days, beginning the day after mailing, to file an Opposition to your Motion.

If the other party files an Opposition to your motion: You have **7** days to file a Reply (10 days after date of mailing if you were served by mail). A Reply to Opposition is included in this packet and is optional.

If the other party does not file an Opposition to your motion: You may discard the Reply to Opposition form.

☐ **Step 7: Submit your Motion to the judge for review**

A Request for Submission form is used to inform the court that your Motion is ready for review and that the time for opposition has passed.

Whether or not the other party files an Opposition, you must file a Request for Submission to have your Motion reviewed by the judge.

You must allow the other party the full amount of time to oppose your Motion before filing the Request for Submission.

☐ **Step 8: Fill out and file the following forms:**

- Reply to Opposition (if applicable)
- Request for Submission
- Second Proof of Service

You must serve (provide) the other party with a copy of your Reply to Opposition (if applicable) and Request for Submission. Fill out the second Proof of Service form with the names of the documents you served.

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

↳ How to file your documents using eFlex:

1. Sign in to your eFlex account: https://wceflex.washoecourts.com/.
2. Click “Home,” click “Existing Cases.”
3. Locate the case you are filing into, and click on the blue “eFile” link next to the case number.
4. 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 following documents:

   Note: Leave the eFlex Document Category field blank.

   - Reply to Opposition (if applicable)
     (Document Type: Reply to/in Opposition)
   - Request for Submission
     (Document Type: Request for Submission)
   - Proof of Service
     (Document Type: Proof of Service)
5. Review the documents by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your documents to the court, click “Next” and “Submit the Filing.”

☐ **Step 9: Wait**

Once you have completed all the steps, your motion has been sent to the court for a decision. The judge will have approximately 60 days to review your documents and issue an order.

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

Resource Center
1 South Sierra St., 3rd 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., 1st Floor
Reno, NV 89501
775-321-2062 – leave a message, if necessary
https://nnlegalaid.org