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# **MOTION FOR CHANGE OF CUSTODY OR VISITATION**

**M-4**

Self Help Center  
1 South Sierra St., First Floor  
Reno, NV 89501  
775-325-6731  
[www.washoecourts.com](http://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	Plaintiff / Petitioner / Joint Petitioner, _____
14	Case No. _____
15	vs. _____ Dept. No. _____
16	
17	Defendant / Respondent / Joint Petitioner. _____
18	
19	
20	<u>MOTION FOR CHANGE OF CUSTODY OR VISITATION</u>
21	
22	<b><u>Type of Motion</u></b>
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/>, and at the Second Judicial District Court. Scanners are available at the Second Judicial District Court.

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 Self Help 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.

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).

### **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:

- Family Division Self Help Center, 1 South Sierra Street, Reno, NV, First Floor
- Law Library or Filing Office, 75 Court Street, Reno, NV, First Floor
- Online at: [www.washoecourts.com](http://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 Self Help 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 or not the other party is an electronic filer.

## 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	<u>PROOF OF SERVICE</u>
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.

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 – 2, following the instructions on each page.

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

1	Code: 3795
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	_____
11	Plaintiff / Petitioner / Joint Petitioner, Case No. _____
12	vs. Dept. No. _____
13	_____
14	Defendant / Respondent / Joint Petitioner.
15	_____
16	_____
17	<u>REPLY TO OPPOSITION TO MOTION FOR CHANGE OF CUSTODY OR VISITATION</u>
18	<u>Reply</u>
19	Below, write your reply to the opposition.
20	_____
21	A. _____
22	_____
23	_____
24	_____
25	_____
26	_____
27	_____
28	_____

REV 9/2018 JCB 1 M4 REPLY TO MOTION

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## INSTRUCTIONS: STEP 8

### Complete the Request for Submission 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) Print the date you filed the motion with the court.

4) Date, sign, and print your name.

1	Code: 3860
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	_____, Case No. _____
11	Plaintiff / Petitioner / Joint Petitioner, Dept. No. _____
12	vs.
13	_____,
14	Defendant / Respondent / Joint Petitioner.
15	_____
16	
17	<u>REQUEST FOR SUBMISSION</u>
18	
19	I request that the Motion for Change of Custody or Visitation filed on <i>(date the document was</i>
20	<i>filed with the Court)</i> _____ be submitted to the Court
21	for decision.
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	
	REV 8/13/19 JDB 1 REQUEST FOR SUBMISSION

## 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.



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## 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 visit the Family Division Self Help Center which is located at One South Sierra Street, Reno, NV. **The Self Help 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**

First Floor (to the left of the Filing Office) of the courthouse located at:

75 Court Street, Reno, NV.

775-328-3250

[www.washoecourts.com/lawlib](http://www.washoecourts.com/lawlib)

**Tuesday Evenings – Arrive by 4:25 p.m.**

\*Please Note\* The program is limited to 10 participants each evening.

#### **NEVADA LEGAL SERVICES**

204 Marsh Avenue Reno, NV 89509

(775) 284-3491 – leave a message if necessary

[nlslaw.net](http://nlslaw.net)

#### **WASHOE LEGAL SERVICES**

299 S. Arlington Avenue Reno, NV 89501

(775) 329-2727 – leave a message if necessary

[www.washoelegalservices.org](http://www.washoelegalservices.org)