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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 – 5, following the instructions on each page.

4) Date, sign, and print your name on page 5.

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	_____ Plaintiff / Petitioner / Joint Petitioner, Case No. _____
12	vs. Dept. No. _____
13	_____ Defendant / Respondent / Joint Petitioner.
14	
15	<u>MOTION FOR CHANGE OF CUSTODY OR VISITATION</u>
16	
17	<i>Type of Motion</i>
18	Place an "X" in the box(es) that describe what you are requesting from the Court.
19	
20	A. <input type="checkbox"/> A change in custody
21	<input type="checkbox"/> A change in the general visitation schedule
22	<input type="checkbox"/> Other: _____
23	
24	B. The name(s) and date(s) of birth of the minor child(ren) involved in this matter are:
25	Name _____ Date of Birth _____
26	Name _____ Date of Birth _____
27	Name _____ Date of Birth _____
28	
	If more room is needed, attach additional sheets.
	REV 4/17/19 JCB 1 M4 MOTION

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## INSTRUCTIONS: STEP 2

### Complete the Motion/Opposition Notice as Shown:

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

2) Place an "X" in the correct box to answer the required yes or no questions about your case.

3) Date, sign, print your name, address, and telephone number.

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE  
\*\*\*

\_\_\_\_\_ )  
\_\_\_\_\_ )  
vs. \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )

FAMILY DIVISION  
MOTION/OPPPOSITION NOTICE  
(REQUIRED)

---

CASE NO. \_\_\_\_\_

---

DEPT. NO. \_\_\_\_\_

**NOTICE:** THIS MOTION/OPPPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** to every motion or other paper filed to modify or adjust a final order that was issued pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A. Mark the CORRECT ANSWER with an <b>X</b> .	YES	NO
1. Has a final decree or custody order been entered in this case? If <b>yes</b> , then continue to Question 2. If <b>no</b> , you do not need to answer any other questions.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is this a motion or an opposition to a motion filed to change a final order? If <b>yes</b> , then continue to Question 3. If <b>no</b> , you do not need to answer any other questions.	<input type="checkbox"/>	<input type="checkbox"/>
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?	<input type="checkbox"/>	<input type="checkbox"/>
IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	<input type="text"/>

B. If you answered **NO** to either Question 1 or 2 or **YES** to Question 3 or 4, you are exempt from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will not be decided until the fee is paid.

I affirm that the answers provided on this Notice are true.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Rev. 10/24/2002

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## INSTRUCTIONS: STEP 3

### **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
- Protection Order Help Center, 1 South Sierra Street, Reno, NV, Third 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 4

### 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 5

### 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, _____
11	vs. _____
12	Defendant / Respondent / Joint Petitioner: _____
13	Case No. _____
14	Dept. No. _____
15	<b>PROOF OF SERVICE</b>
16	I served a true and correct copy of the Motion to Change Custody or Visitation upon the following people:
17	1. Name: _____ Date: _____
18	By: <input type="checkbox"/> Service by eFlex <input type="checkbox"/> Personal Service
19	<input type="checkbox"/> Certified mail, return receipt attached <input type="checkbox"/> U.S. Mail, postage prepaid
20	<input type="checkbox"/> Other: _____
21	Address where service occurred, if applicable: _____
22	If more room is needed, attach additional sheets.
23	A copy of this Proof of Service has been electronically served, mailed, or personally delivered to all parties or their lawyer.
24	This document does not contain the personal information of any person as defined by NRS 603A.040.
25	Date: _____ Your Signature: _____
26	Print Your Name: _____
27	REV 9/2018 JCB
28	1 M4 PROOF OF SERVICE

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### INSTRUCTIONS: STEP 6

#### **Filing the Proof of Service**

After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 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.

### INSTRUCTIONS: STEP 7

#### **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 INSTRUCTIONS: STEP 8 and continue to INSTRUCTIONS: STEP 9.

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 INSTRUCTIONS: STEP 8.

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## INSTRUCTIONS: STEP 8

*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 Plaintiff / Petitioner / Joint Petitioner, Case No. \_\_\_\_\_  
12 vs. Dept. No. \_\_\_\_\_  
13 Defendant / Respondent / Joint Petitioner.

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

14  
15  
16  
17 REPLY TO OPPOSITION TO MOTION FOR CHANGE OF CUSTODY OR VISITATION

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

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



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## INSTRUCTIONS: STEP 9

### 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 _____
20	_____ be submitted to the Court for decision.
21	(Date the document was filed with the Court)
22	This document does not contain the personal information of any person as defined by NRS
23	603A.404.
24	
25	Date: _____ Your Signature: _____
26	
27	Print Your Name: _____
28	
	REV 9/2018 JCB 1 REQUEST FOR SUBMISSION

## INSTRUCTIONS: STEP 10

### 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 11

### **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 3, 4, & 5. 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)