

# **EX PARTE MOTION REGARDING CHILDREN**

**E-1**

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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**EX PARTE MOTION  
REGARDING CHILDREN**

**PACKET E-1**

**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. Ex Parte Motion Regarding Children
2. Exhibit Index and Exhibit Sheet
3. Request for Submission

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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## Second Judicial District Court Rule 43

### Rule 43. Ex parte orders within the family division.

1. Reasonable notice.
  - (a) Except as set forth below, the party requesting an ex parte order shall give reasonable notice to the opposing party, or his or her counsel.
  - (b) Reasonable notice includes the date, time and place the request will be made.
  - (c) Reasonable notice must afford the opposing party 24 hours within which the application may be opposed.
  
2. Notice exceptions.
  - (a) A party is excused from giving such notice where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.
  - (b) Ex parte orders may be obtained without notice in the following circumstances:
    - (1) Where the order mutually restrains the parties from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, whether community or separate, except in the usual course of business or for the necessities of life;
    - (2) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance coverage, including life, health, automobile, and disability coverage;
    - (3) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of retirement benefits or pension plans for the benefit (or election for benefit) of the parties or their minor child or children;
    - (4) Where a child's health and safety is in danger; or
    - (5) Where such other circumstances exist as the court may find to warrant the issuance of an order without notice.
  
3. Automatic hearing.
  - (a) No hearing shall be held on an ex parte order entered under subsections 2(b)(1), (2) and (3) herein above.
  - (b) All other ex parte orders shall be heard within 10 days of their entry.
  - (c) The hearing date shall be stated in the ex parte order.
  - (d) This rule shall not apply to temporary orders for protection against domestic violence.

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## INSTRUCTIONS: STEP 1

### Complete the Ex Parte Motion Regarding Children as Shown:

If you have documents that support this ex parte motion, you will need to attach them as exhibits to this form following INSTRUCTIONS: STEP 2.

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

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

3) Complete the rest of pages 1-4, following the instructions on each page.

1 Code: 1670  
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 \_\_\_\_\_ Petitioner, Case No. \_\_\_\_\_  
12 vs. \_\_\_\_\_ Dept. No. \_\_\_\_\_  
13 \_\_\_\_\_ Respondent.

14

15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16

17 MOTION TO \_\_\_\_\_  
(Fill in the name of this motion)

18 \_\_\_\_\_, appearing in Proper Person, hereby move this  
19 (Your name)

20 Court to issue an emergency order, without notice to \_\_\_\_\_  
21 (The Other Party's name)  
22 granting the following:

23 *State only what you want the court to order. Do not explain why you want the order issued  
24 or why you believe the other party should not have notice of this motion. Those reasons will  
25 be filled in on the next page.*

26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

REV 8/2010 AA 1 E1 EX PARTE MOTION

1 Code: 1670  
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 \_\_\_\_\_ Petitioner, Case No. \_\_\_\_\_  
12 vs. Dept. No. \_\_\_\_\_  
13 \_\_\_\_\_ Respondent.  
14 \_\_\_\_\_ /

15 **EX PARTE EMERGENCY MOTION REGARDING CHILDREN**

16 **MOTION TO** \_\_\_\_\_  
17 (Fill in the name of this motion)

18 \_\_\_\_\_, appearing in Proper Person, hereby move this  
19 (Your name)

20 Court to issue an emergency order, without notice to \_\_\_\_\_  
21 (The Other Party's name)  
22 granting the following:

23 *State only what you want the court to order. Do not explain why you want the order issued*  
24 *or why you believe the other party should not have notice of this motion. Those reasons will*  
*be filled in on the next page.*

1 A Decree of Divorce or Order addressing custody and visitation of a minor child(ren) was  
2 entered on \_\_\_\_\_ . To the best of my knowledge, the last order  
3 (Date the Decree or Order was filed)

4 concerning this matter was entered on \_\_\_\_\_ and that order  
5 (Date last order entered in this case)

6 concerned \_\_\_\_\_  
7 (Print what the last order was about, such as child support, visitation, TPO, etc.)

8 The child(ren) involved in the matter are:

|    | <u>NAME</u> | <u>AGE</u> | <u>DATE OF BIRTH</u> |
|----|-------------|------------|----------------------|
| 9  | _____       | _____      | _____                |
| 10 | _____       | _____      | _____                |
| 11 | _____       | _____      | _____                |
| 12 | _____       | _____      | _____                |
| 13 | _____       | _____      | _____                |
| 14 | _____       | _____      | _____                |

15 **Fully explain why you believe this is an emergency situation**

16 I believe this is an emergency and an order should issue from this Court immediately  
17 because: \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
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**Fully explain why you believe the other party should not be contacted  
and have time to respond to this Motion before the Motion is considered by the Judge**

(If you need more space, you may attach additional sheets of paper. Be sure that you write only on one side of the paper and clearly identify it as a continuation of this explanation.)

This document does not contain the Social Security Number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true and correct.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

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<br>MOTION/OPPOSITION NOTICE<br>(REQUIRED) |
| CASE NO.  |
| DEPT. NO.   |

**NOTICE:** THIS MOTION/OPPOSITION 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.   |      |    |
|    | 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.   |      |    |
|    | 3. Is this a motion or an opposition to a motion filed only to change the amount of child support?   |      |    |
|    | 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?   |      |    |
|    | <b>IF</b> the answer to Question 4 is <b>YES</b> , write in the <u>filing date</u> found on the front page of the Judge's Order.   | Date |    |
| B. | If you answered <b>NO</b> to either Question 1 or 2 or <b>YES</b> to Question 3 or 4, you are <u>exempt</u> from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> 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: \_\_\_\_\_



# Do Not File Or Copy This Page

## INSTRUCTIONS: STEP 2

### Complete the Index of Exhibits and the Exhibit Cover Page as Shown:

To attach documents in support of your Ex Parte Motion Regarding Children you will need an Exhibit Index and Exhibit Cover Page(s). If you do not have any exhibits skip this step and continue with INSTRUCTIONS: STEP 3.

1) For each exhibit you are attaching you must print:

- a) An exhibit number, starting with 1,
- b) The number of pages in the exhibit, and
- c) A description of the exhibit.

2) For each exhibit, you must fill out an Exhibit Cover Page with the exhibit number listed on the Index of Exhibits.

3) The documents should be in the following order:

- the Ex Parte Motion Regarding Children
- the Index of Exhibits
- the Exhibit Cover Page
- the exhibit
- the Exhibit Cover Page
- the exhibit, and so on.

INDEX OF EXHIBITS

|                           |                       |
|---------------------------|-----------------------|
| Exhibit Number _____      | Number of Pages _____ |
| Exhibit Description _____ |                       |
| Exhibit Number _____      | Number of Pages _____ |
| Exhibit Description _____ |                       |
| Exhibit Number _____      | Number of Pages _____ |
| Exhibit Description _____ |                       |
| Exhibit Number _____      | Number of Pages _____ |
| Exhibit Description _____ |                       |
| Exhibit Number _____      | Number of Pages _____ |
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| Exhibit Description _____ |                       |
| Exhibit Number _____      | Number of Pages _____ |
| Exhibit Description _____ |                       |
| Exhibit Number _____      | Number of Pages _____ |
| Exhibit Description _____ |                       |

**Exhibit Cover Page**

EXHIBIT NUMBER \_\_\_\_\_

**INDEX OF EXHIBITS**

**Exhibit Number** \_\_\_\_\_ **Number of Pages** \_\_\_\_\_

**Exhibit Description** \_\_\_\_\_

**Exhibit Number** \_\_\_\_\_ **Number of Pages** \_\_\_\_\_

**Exhibit Description** \_\_\_\_\_

**Exhibit Number** \_\_\_\_\_ **Number of Pages** \_\_\_\_\_

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**Exhibit Description** \_\_\_\_\_

**Exhibit Number** \_\_\_\_\_ **Number of Pages** \_\_\_\_\_

**Exhibit Description** \_\_\_\_\_

# **Exhibit Cover Page**

**EXHIBIT NUMBER \_\_\_\_\_**

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## INSTRUCTIONS: STEP 3

Complete the Request for Submission as Shown:

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

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

3) Print the date you filed the Ex Parte Motion Regarding Children 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  |   |
| 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 | _____<br>Plaintiff/Petitioner/ Joint Petitioner, Case No. _____                         |
| 13 | vs. Dept. No. _____   |
| 14 |   |
| 15 | _____<br>Defendant/Respondent/ Joint Petitioner.  |
| 16 |   |
| 17 |   |
| 18 | <u>REQUEST FOR SUBMISSION</u>   |
| 19 |   |
| 20 | I request that the EX PARTE EMERGENCY MOTION REGARDING CHILDREN that was                |
| 21 | Filed on _____ be submitted to the Court for decision.                                  |
| 22 | (Date the document was filed with the Court)  |
| 23 | This document does not contain the personal information of any person as defined by NRS |
| 24 | 603A.040.   |
| 25 | Date: _____ Your Signature: _____   |
| 26 |   |
| 27 | Print Your Name: _____  |
| 28 |   |
|    | REV 03/2018 JDB   |
|    | 1   |
|    | E1 REQUEST FOR SUBMISSION   |

1 Code: 3860

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,

Case No. \_\_\_\_\_

14 vs.

Dept. No. \_\_\_\_\_

15 \_\_\_\_\_,  
16 Defendant/Respondent/ Joint Petitioner.

17  
18 REQUEST FOR SUBMISSION

19  
20 I request that the EX PARTE EMERGENCY MOTION REGARDING CHILDREN that was  
21 filed on \_\_\_\_\_ be submitted to the Court for decision.  
22 (Date the document was filed with the Court)

23 This document does not contain the personal information of any person as defined by NRS  
24 603A.040.

25 Date: \_\_\_\_\_ Your Signature: \_\_\_\_\_

26  
27 Print Your Name: \_\_\_\_\_

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## INSTRUCTIONS: STEP 4

### 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.

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

- Ex Parte Motion;
- Any Exhibits; and
- Request for Submission.

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).

### FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file the application found in the **Application for Waiver of Fees and Costs packet**, which may be obtained at the following locations:

- Family Division Self Help Center, 1 South Sierra Street, Reno, NV, First Floor
- Filing Office, 75 Court Street, Reno, NV, First Floor
- Protection Order Help Center, 1 South Sierra Street, Reno, NV, Third 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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## **NOW WHAT HAPPENS?**

You are not required to serve this document on the other party until an order has been issued; however, if the other party has signed up for electronic filing they will be notified as soon as you file the documents.

The judge will issue an order approving, denying, or setting your ex parte motion for a hearing. All orders can be reviewed and printed from your eFlex account. Follow any orders regarding service to the other party.

## **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 message if necessary

**<http://nlslaw.net>**

### **WASHOE LEGAL SERVICES**

299 S. Arlington Avenue Reno, NV 89501

(775) 329-2727– leave message if necessary

**<http://www.washoelegalservices.org>**