

# CONVERSION TO JOINT PETITION WITH CHILDREN

C-2

The District Court Filing Office  
is located on the first floor at

801 CLARK STREET, SUITE 4  
ELY, NEVADA 89301

**ATTENTION**

**THIS PACKET IS NOT A SUBSTITUTE FOR THE  
ADVICE OF AN ATTORNEY**

**IMPORTANT**

If either party is in the military, special rules may apply and it is recommended you seek the advice of an attorney.

*Counsel Is Always Recommended For Legal Matters*

The law allows any person to represent himself or herself in a legal action. However, filing papers with the court and representing yourself in the courtroom can involve complicated legal issues. This packet does not address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

*Before filling in any portion of the following documents, read all the materials included in this packet including the definitions of terms.*

**THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION, OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.**

**CONVERSION TO  
JOINT PETITION  
WITH CHILDREN**

**PACKET C – 2**

**CAREFULLY READ THROUGH ALL OF THE INSTRUCTIONS BEFORE  
STARTING TO FILL OUT ANY OF THE FORMS.**

Use black ink only to fill out the forms and neatly  
print the information requested.

*Do not use Wite-Out or other correction fluid/tape on the forms. They will not be accepted  
by the Filing Clerk's Office if correction fluid/tape is used.*

Included in this packet are the following documents:

1. Request to Convert Divorce Complaint to Joint Petition
2. Joint Petition for Summary Decree of Divorce – With Children
3. Joint Request for Submission
4. Decree of Divorce

**The penalty for making a false statement in a declaration that is made under penalty of perjury is a minimum of 1 year and a maximum of 4 years in prison, with the possibility of an additional fine of \$5000 or more if authorized or required by statute. See N.R.S. §199.145**

**FILLING OUT THE DOCUMENTS**

**ALL FORMS MUST BE FILED AT THE SAME TIME**

**STEP 1**

The **Plaintiff** must fill out conversion form.

**STEP 2**

**Filling Out the Joint Petition**

At the top left corner, fill in your names, addresses and telephone numbers.

Fill in the heading (Plaintiff/Defendant/Case No./Dept. No.) just as it is listed on the other documents in this case.

*Follow the directions printed on the Joint Petition very carefully. If the information is not complete, the divorce cannot be granted.*

Be sure you are familiar with the terms and definitions regarding assets and debts and the division of community property as well as spousal support. Be sure you are familiar with the terms and definitions regarding child custody and visitation. Be sure you know how the child support must be calculated according to the Child Support Statutes.

**STEP 3**

**Filling In the Joint Request for Submission**

At the top left corner, fill in your names, addresses and telephone numbers.

Fill in the heading (Plaintiff/Defendant/Case No./Dept. No.) just as it is listed on the other documents in this case.

Fill in the information as directed on the form.

Both parties must sign the form when completed.

#### **STEP 4**

##### **Filling In the Information on the Decree of Divorce**

Fill in the heading (Plaintiff/Defendant/Case No./Dept. No.) just as it is listed on the other documents in this case.

Fill in the information as directed. Do not fill in the date on the last page. The Judge will fill in the date when the Decree is signed.

Print and sign your names on the last page and fill in your addresses.

#### **STEP 5**

##### **Copying and Filing the Documents**

Make two (2) copies of all documents. Take the original and the two (2) copies to the filing clerk's office which is located on the first floor of the courthouse at 801 CLARK ST, STE 4, ELY NV 89301

There will be a filing fee charged when the documents are filed. You can confirm the filing fee amount by calling the filing clerk's office at (775) 293-6509

##### **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 Affidavit in Support of Motion to Proceed In Forma Pauperis which can be obtained from the Clerk's Office./

The filing clerk will take the originals and the copies of your documents. The clerk will keep the originals and the Decree and return the file-stamped copies to you.

If you provide a self-addressed, stamped envelope to the filing clerk when you file your documents, a copy of the final Decree will be mailed to you when it is signed by the judge.

SOME DEFINITIONS and EXPLANATIONS OF TERMS USED IN FAMILY CASES  
WITH CHILDREN

***The following definitions and explanations are only to be used as general guidance. In no way are they intended to cover all the legal significance and importance of the terms. You are advised to seek a full explanation of the terms, definitions, and explanations, from a private attorney licensed to practice law in the State of Nevada.***

**Alimony or Spousal Support:** Alimony, or Spousal Support is the amount paid to one spouse by the other for a period of time after the marriage is over, usually to assist the spouse in being able to maintain a lifestyle to which that spouse is accustomed, until that spouse can get back on firm financial footing. Spousal support may be for a limited amount of time, such as months or years, until remarriage, or may be permanent until remarriage. If the spouse that is receiving support remarries, unless otherwise agreed upon, and ordered by the court, the spousal support stops at the time of remarriage. There is no formula for spousal support and either party may receive spousal support. The factors governing spousal support are complicated and if you have any questions regarding spousal support, *they should be discussed with a private attorney.*

**Answer to Complaint or Petition:** When a defendant or respondent is “served” with a complaint or petition, a *formal, written, “answer”* must be filed with the court by the “defendant” or “respondent” within twenty (20) days of the date the Complaint was served, either agreeing with, or opposing, the requests of the plaintiff or petitioner. If the defendant or respondent does not file a written, formal, answer to the claims, the other party (the plaintiff or petitioner) may take a “default” and receive all that they request in the complaint or petition. Very often, when a person receives a copy of the “complaint” or “petition”, they wait for some kind of a notice of a hearing. No hearing is automatically scheduled. Unless the defendant or respondent actually, formally, answers the complaint or petition, in writing, and files it with the court, the court will, most likely, automatically grant the plaintiff or petitioner everything they request.

If the defendant or respondent wants something different than is stated in the Complaint, the defendant or respondent may file a “counterclaim” with the answer.

**Child Custody:** There are two kinds of custody, “legal” custody and “physical” custody. Physical custody has to do with the actual, physical interaction and contact between parent and child. Legal custody has to do with the rights and responsibilities to make decisions about the important aspects of the child’s life, such as the child’s education and the child’s health needs.

The following are not complete legal definitions, but only give you an idea of what terms are commonly used in documents and what they *generally* mean. For a more complete definition, please speak to an attorney, or clarify the terms with the mediator, if you are in mediation, or, clarify the terms at the time of any hearing or conference with the judge.

**Primary Physical Custody:** The child physically resides with, and spends the great majority of time with, one parent, designated as the primary physical custodian, and the other parent has visitation rights and privileges. For example: the non-custodial parent may have visitation at least every other weekend, one evening during the off week, alternate holidays and some block time for vacation periods. Non-custodial arrangements vary with each set of circumstances.

**Joint Physical Custody:** Each parent has significant periods of time with the child. It **DOES NOT MEAN** that each parent has an exact equal amount of time with the child. The significant time may be worked out over longer periods such as weekly, monthly, or even annually. This may also be designated as *shared physical custody*. Joint physical custody does not mean that there will be no child support obligation. Usually, there is still a child support obligation of some kind from one parent to the other, depending upon the financial position in which each is left following the divorce.

**Sole Physical Custody:** Sole physical custody is very seldom granted by the court. Usually, the term is used when one parent is completely out of the child's life, such as in prison, or in circumstances that contact with the non-custodial parent would expose the child to physical danger or abuse. Sole physical custody does not automatically mean that the non-custodial parent has no visitation rights. The court may grant one parent sole physical custody and grant the non-custodial parent specific visitation. The term sole physical custody is most often combined with sole legal custody which then grants one parent the complete control over making all the decisions for the child without any input by the non-custodial parent. However, sole physical custody may also be combined with joint legal custody. In that case, although one parent has the child solely in their physical custody, the important decisions for the child are made with input by the non-custodial parent.

**Joint Legal Custody:** Both parents equally share the right and responsibility to make decisions about the child's health, education and welfare. Should the parents not be able to agree on such decisions, the parents usually return to mediation to see if they can work out their differences and if they cannot work them out through mediation, the matter is presented to the Court for the final decision. Both parents have an equal right to access such things as the child's doctor's records and school records.

**Sole Legal Custody:** One parent, alone, has the right and responsibility to make all the decisions about the child's health, education and welfare, without any input from the non-custodial parent. Sole legal custody is only granted in extreme and unusual cases and circumstances.

Child  
Support:

Child support is governed by statute and, like child custody, can become complicated. Although the basic formula as set by statute is 18% of the non-custodial parent's gross income for 1 child, 25% for 2 children, 29% for 3 children, 31% for 4 children and an additional 2% for each additional child, **there are deviations from the formula that can be considered**. The minimum child support allowed is \$100.00 per month, per child, and the maximum for each child is determined by the gross income of the non-custodial parent as set out in the statutes,

with a cap that is adjusted annually. *Under certain conditions, there are deviations from the minimum and maximum amounts.* The child support statutes can be found at NRS 125B.070 and NRS 125B.080. You are urged to seek the advice of a private attorney on how to fully address child support and any deviations from the formula. Child support must be reviewed every 3 years or at any time if there is a substantial change of circumstances (such as the loss of a job or the legal responsibility for the support of another family member or another child). It is the responsibility of the parties to request a review and modification of the child support.

Child  
Visitation:  
or  
Parenting  
Time

The statute governing child visitation and exchange is clear. It is not enough to just state "reasonable visitation" in any kind of agreement. The visits and terms of the exchange of the child must be clear and specific. There must be specific days, times and places of exchange included in the agreement, and the holiday calendar must be clearly defined. If there are expenses involved with the exchange and visits, the agreement must state which parent is going to bear the expenses, or, if the expenses are going to be shared. If there is travel involved, who makes the travel arrangements must be stated. If the visitation is going to be "supervised", the arrangements must be stated as to who will supervise the visits, whether the supervised parenting time will be temporary or permanent, and, if temporary, when unsupervised parenting time will commence, and under what conditions. *It must be remembered that the written agreement for visitation or parenting time is the controlling agreement and any verbal agreements are usually not enforceable through the courts.*

Complaint: The document filed to start a case. Also may be known as a "Petition". The "complaint" or "petition" sets out the claims of the "plaintiff" or "petitioner" and tells the court what they want the court to order, as well as the basis for why the court should enter an order granting them what they want. The Complaint, or Petition, is then served on the Defendant, or Respondent, with a Summons notifying the Defendant, or Respondent, that a suit has been filed against them.

Counterclaim While the Complaint or Petition sets out the claims of the "plaintiff" or "petitioner," a counterclaim sets out the claims of the "defendant" or "respondent". The counterclaim is included within the Answer to the Complaint that defendant or respondent files. For example, if plaintiff asks for primary physical custody of the children in the Complaint and the defendant wants primary physical custody, the defendant can use the counterclaim to ask for primary physical custody.

Debts: Generally, any bills or debts acquired during the marriage are considered community debts and are equally divided at the time of the divorce. *There are exceptions.* Debts that are incurred for such things as gambling or for purchasing things that are not for the benefit of the community, may be considered sole and separate debts. *Such debts should be discussed with a private attorney.*

Default: When a party does not formally, *in writing*, answer or respond to legal documents served on them, the party that filed the documents can request that the court grant them everything they ask for in the documents. The party upon whom the documents were served is said to have "defaulted" and, because they did not file something

saying they disagreed with what is being requested, it is assumed they agree with the requests and the court enters a "default" order. The "default" is most commonly used when a party is served with a divorce complaint and does not file any kind of answer or response and the court grants the divorce on "default". *It is important to remember that there are legal time frames in which an answer or response must be filed.*

**Defendant:** The party that answers or "defends" an action brought against them by the Plaintiff or Petitioner. The Defendant may also be labeled as the Respondent.

**Habitual Residence:** The state where the child or children have lived for at least the past six months.

**Mediation:** Both parties meet with a professional "mediator", usually in an attempt to work out a parenting plan for children involved in a custody dispute. However, the division of property may also be "mediated" under certain circumstances. If you file in Washoe, Clark, Douglas and Carson City Counties, mediation of custody and visitation issues is mandatory if the parents cannot come to an agreement regarding custody and visitation of the children. If you file in Washoe, Clark, Douglas and Carson City Counties, you may use the Court mediation programs in the county in which you file. There are certain circumstances under which mediation can be "waived". However, those circumstances are very special and if you believe you are eligible for waiver of mediation, you need to speak to a private attorney on how to go about filing the correct documents to request that mediation be waived in your case.

**Motion:** A request to the court, by one party, to enter an order requiring the other party to do something, or, to prevent the other party from doing something, or, for a clarification or reconsideration of an order that has already issued from the court. For example, the motion may request the court to:

1. Order the other party to do something
2. Prevent the other party from doing something
3. To review and/or change child support
4. To allow the custodial parent to relocate with the children
5. To change provisions of the custody and visitation order or agreement
6. Make the terms of a prior order clearer or easier to understand

This list is only an *example* of those things that can be addressed in a motion. Unless the motion is an *ex parte motion*, the motion must be served on the other party and the other party must have an opportunity to file a "response" or "opposition" to the motion.

*An ex parte motion* is one that is presented to the court without notice to the other party that it is being filed and requests that an immediate order issue from the court without any notice to the other party and without the other party being able to respond to the motion before the order is entered. Usually, the *ex parte motion* is used only when there is an immediate, physical, danger to children. However, an *ex parte motion* may also be used in a disputed divorce to protect the assets of the community by preventing both parties from selling, or hiding, or transferring, or

giving the assets away. Ex parte motions are extremely rare.

**Moving Party:** The person who files a motion or brings an action against another party. The moving party may be either the plaintiff or the defendant, or the petitioner or the respondent. For instance, a defendant may file a motion against the plaintiff in an action.

**Order To Show Cause Regarding Contempt:** When one party is not obeying a court order, the other party may bring a contempt charge against that party. The court will issue the order directing the party charged with not obeying the order to appear and "show cause" why they should not be held in contempt. The moving party, or the one bringing the contempt must prove three things: (1) that there exists a valid court order regarding the issue; (2) that the other party has the ability to obey the order; and, (3) the other party simply chooses not to obey the order. If the party is found in contempt of the court order, the party can be punished. Punishment may range from a fine to jail time.

**Petitioner: or Plaintiff:** A party that starts or "brings" an action against another party. The party who answers the action, or against whom the action is brought, is termed the Defendant.

**Property:** Following are terms associated with property.

*Assets:* Generally, *anything* acquired or purchased during the time of the marriage is considered a community asset and, therefore, community property, and it usually does not matter if one name is on the property or both names are on the property. Nevada is a "community property" State and the law in Nevada is that community assets are equally divided at the time of a divorce. *There are some exceptions, and those should be discussed with a private attorney.* The term "community assets" includes: the income of both parties during the marriage and anything purchased with either income, any interest acquired in real property, any retirement funds earned during the marriage, vehicles purchased during the marriage (even if in only one name), furniture purchased during the marriage, etc. In many cases, it does not matter in whose name these things are purchased. Sole and separate property is not *usually* considered "community property" *unless* it was given as a gift to the community or the community has acquired an interest in it in another way. If one party "wastes" community assets or give community assets away without the other party's knowledge or consent, that party may have to reimburse the community for the "wasting" of assets. If there is a question of wasted assets, *those should be discussed with a private attorney.*

*Community Property:* Any assets acquired or purchased during the marriage are usually considered "community property", no matter whose name they are in. That is the starting point for the division of property of the marriage. Nevada is a community property State and it is the law that the division of community property start with an equal division. *However*, there are important deviations and exceptions to equal community property distribution. See "Assets" above. *A private attorney should be consulted regarding division and distribution of community property.*

*Sole and Separate Property:* Sole and separate property are those things Husband

and Wife owned prior to the marriage, and it *may* also include a personal injury settlement received during the marriage by one of the parties, or money or property inherited by a party *if* the proceeds were kept entirely separate from the community, during the marriage. Sole and separate property remains the property of the individual who owned it prior to the marriage. *There are exceptions, such as a home or other real property.* The “community” may acquire an interest in a home or real property during the time of the marriage even if it belonged to one party prior to the marriage. If there is a question regarding such an interest, and what percentage the community may have acquired, *you are urged to see a private attorney.*

Relocation or Moving Out Of The State With Children      The law is clear on a parent’s relocation with the children. The custodian that wants to relocate out of the State, *must, before the move,* either have the other parent’s written permission to move out of the State, or, a court order allowing the move if the other parent will not give written permission for the move. The parent wishing to move must file a Motion For Relocation and serve the other parent with the Motion. Leaving the State with the children without either written permission from the other parent or an order from the court allowing the relocation may be the basis for a change of custody of the children and may be prosecuted as a crime. *Before leaving the area or State with children, it is urged that you seek the advice of an attorney.*

Reply to Counterclaim      When defendant or respondent files and serves their answer and counterclaim on the plaintiff or petitioner, the plaintiff or petitioner then has the duty to respond to the counterclaim by filing a Reply to Counterclaim. Within that Reply, plaintiff has the opportunity to tell the court what parts of the counterclaim he/she agrees with and what parts he/she disagrees with. Plaintiff or petitioner has 20 days from the date the counterclaim is served on them to file and serve the Reply. If plaintiff does not file a Reply to Counterclaim within that 20 days, the defendant or respondent has the right to take a default against the plaintiff. If a default is granted, the defendant may get everything she/he asked for in the counterclaim.

Reply to Response or Reply to Opposition:      The person who files a motion with the court, has an opportunity to “reply” to the formal “response” or “opposition” to their motion, if one is filed by the opposing party. This “reply” is filed by the “moving party”.

Residency Requirement:      One of the parties must be a resident of the State of Nevada and that person is known as the “resident.” In order to establish residency in the State of Nevada, that person must have physically lived and physically been here in the State for at least six (6) weeks immediately prior to filing the Complaint or Petition. If both people are residents of the State of Nevada, only one is actually designated as the “resident” for purposes of the filling out and filing of the Declaration of Resident Witness Form.

*A child, or the children, MUST be a resident, or residents, of the State of Nevada for a period in excess of six (6) MONTHS before the State of Nevada can enter any orders regarding custody, or visitation, of the child or children. This is STATE and FEDERAL LAW. If the child, or children, are not residents of the State of*

*Nevada for a period of more than six (6) months immediately prior to the filing of the Petition or Complaint, the State of Nevada has no jurisdiction over orders regarding the children. THERE ARE EXCEPTIONS, but those should be discussed with a private attorney.* The parties *cannot* automatically agree to waive the jurisdiction issue.

- Resident Witness:** A person that will swear under oath or on the Declaration of Resident Witness that one of the parties has been physically present in the State of Nevada for a period of at least six (6) weeks immediately prior to the filing of the Complaint or Petition. The Resident Witness may be a friend, a family member or a co-employee.
- Response or Opposition:** An answer to a motion that has been filed and served. The person upon whom the motion has been served has ten (10) days to file a formal "response" or "opposition" to the motion if the motion is personally served on them and thirteen (13) days from the date of mailing in which to file a formal "response" or "opposition" if the motion is mailed to them. If no formal "response" or "opposition" is filed, in some counties, the person making the motion may then request to have their motion submitted to the judge for a decision and the judge can grant the person everything they asked for in the motion. See also "default".
- Summons:** Notice to a party that a complaint or petition has been filed against them in court. The Summons is a court document which is "issued" by the court clerk at the time the complaint or petition is filed in. It must be served on the other party, with a copy of the complaint or petition, **usually by personal service by a third, independent, party, but there are some other methods of service by court order.** The party upon which it is served, has twenty days (not counting the day of service) in which to file a written response, or answer, with the court. A copy of the written response, or answer, must be served by the party filing it, on the other party.
- Wage Assignment:** The legal process of having child support payments deducted directly from the paycheck of the person who owes the support. The payment is then sent by the employer to the State Collection and Disbursement Unit or to the District Attorney's Office Family Support Unit who will send it to the person who is owed the child support.

## CHILD SUPPORT STATUTES

### **NRS 125B.070 Amount of payment: Definitions; adjustment of presumptive maximum amount based on change in Consumer Price Index.**

1. As used in this section and NRS 125B.080, unless the context otherwise requires:

(a) "Gross monthly income" means the total amount of income received each month from any source of a person who is not self-employed or the gross income from any source of a self-employed person, after deduction of all legitimate business expenses, but without deduction for personal income taxes, contributions for retirement benefits, contributions to a pension or for any other personal expenses.

(b) "Obligation for support" means the sum certain dollar amount determined according to the following schedule:

- (1) For one child, 18 percent;
- (2) For two children, 25 percent;
- (3) For three children, 29 percent;
- (4) For four children, 31 percent; and
- (5) For each additional child, an additional 2 percent,  
of a parent's gross monthly income, but not more than the presumptive maximum amount per month per child set forth for the parent in subsection 2 for an obligation for support determined pursuant to subparagraphs (1) to (4), inclusive, unless the court sets forth findings of fact as to the basis for a different amount pursuant to subsection 6 of NRS 125B.080.

2. For the purposes of paragraph (b) of subsection 1, the presumptive maximum amount per month per child for an obligation for support, as adjusted pursuant to subsection 3, is: (SEE ATTACHED SCHEDULE)

If a parent's gross monthly income is equal to or greater than \$14,583, the presumptive maximum amount the parent may be required to pay pursuant to paragraph (b) of subsection 1 is \$800.

3. The presumptive maximum amounts set forth in subsection 2 for the obligation for support must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase or decrease in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year. On April 1 of each year, the Office of Court Administrator shall determine the amount of the increase or decrease required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each district court of the adjusted amounts.

4. As used in this section, "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

(Added to NRS by 1987, 2267; A 1991, 1334; 2001, 1865; 2003, 101, 342)

### **NRS 125B.080 Amount of payment: Determination. Except as otherwise provided in NRS 425.450:**

1. A court of this State shall apply the appropriate formula set forth in NRS 125B.070 to:

- (a) Determine the required support in any case involving the support of children.
- (b) Any request filed after July 1, 1987, to change the amount of the required support of children.

2. If the parties agree as to the amount of support required, the parties shall certify that the amount of support is consistent with the appropriate formula set forth in NRS 125B.070. If the amount of support deviates from the formula, the parties must stipulate sufficient facts in accordance with subsection 9 which justify the deviation to the court, and the court shall make a written finding thereon. Any inaccuracy or falsification of financial information which results in an inappropriate award of support is grounds for a motion to modify or adjust the award.

3. If the parties disagree as to the amount of the gross monthly income of either party, the court shall determine the amount and may direct either party to furnish financial information or other records, including income tax

returns for the preceding 3 years. Once a court has established an obligation for support by reference to a formula set forth in NRS 125B.070, any subsequent modification or adjustment of that support, except for any modification or adjustment made pursuant to subsection 3 of NRS 125B.070 or NRS 425.450 or as a result of a review conducted pursuant to subsection 1 of NRS 125B.145, must be based upon changed circumstances.

4. Notwithstanding the formulas set forth in NRS 125B.070, the minimum amount of support that may be awarded by a court in any case is \$100 per month per child, unless the court makes a written finding that the obligor is unable to pay the minimum amount. Willful underemployment or unemployment is not a sufficient cause to deviate from the awarding of at least the minimum amount.

5. It is presumed that the basic needs of a child are met by the formulas set forth in NRS 125B.070. This presumption may be rebutted by evidence proving that the needs of a particular child are not met by the applicable formula.

6. If the amount of the awarded support for a child is greater or less than the amount which would be established under the applicable formula, the court shall:

- (a) Set forth findings of fact as to the basis for the deviation from the formula; and
- (b) Provide in the findings of fact the amount of support that would have been established under the applicable formula.

7. Expenses for health care which are not reimbursed, including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne equally by both parents in the absence of extraordinary circumstances.

8. If a parent who has an obligation for support is willfully underemployed or unemployed to avoid an obligation for support of a child, that obligation must be based upon the parent's true potential earning capacity.

9. The court shall consider the following factors when adjusting the amount of support of a child upon specific findings of fact:

- (a) The cost of health insurance;
  - (b) The cost of child care;
  - (c) Any special educational needs of the child;
  - (d) The age of the child;
  - (e) The legal responsibility of the parents for the support of others;
  - (f) The value of services contributed by either parent;
  - (g) Any public assistance paid to support the child;
  - (h) Any expenses reasonably related to the mother's pregnancy and confinement;
  - (i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;
  - (j) The amount of time the child spends with each parent;
  - (k) Any other necessary expenses for the benefit of the child; and
  - (l) The relative income of both parents.
- (Added to NRS by 1987, 2267; A 1989, 859; 1991, 1334; 1993, 486; 1997, 2295; 2001, 1866)

**CHILD SUPPORT WHEN PARENTS ARE SHARING**  
**JOINT PHYSICAL CUSTODY**  
**OR**  
**WHEN THE CHILDREN ARE GOING TO BE SPLIT BETWEEN PARENTS**

The Nevada Supreme Court set out an additional formula to that found in the child support statutes for parents who share joint physical custody of their children or who are going to split the custody of the children.

**Joint physical custody** presumes the child is going to spend an approximate equal amount of time with each parent.

**Split custody is when one parent has the physical custody of more children than the other parent.** For instance: In a family of three children: Father has primary physical custody of two children and Mother has primary physical custody of one child.

**Joint Physical Custody**

The Court directed that the child support be figured according to the percentage as stated in NRS 125B.070 and the parent earning the most pays the parent earning the less, the difference. At the present time, \$100 per month, per child is the minimum even if a parent is not working.

**For example:** If parents are sharing joint physical custody of one child and mother is not working, the child support would be figured as follows:

18% of Father's gross monthly income

\$100 for Mother's obligation

The difference between the two would be the child support Father would pay to Mother.

**Another example:** If parents are sharing joint physical custody of two children and both parents are working:

25% of Father's gross monthly income

25% of Mother's gross monthly income

The parent who earns the most would pay the parent who makes the less the difference.

### Split Custody

Both parents have a support obligation to the other and it must be figured according to the statutory formula.

For example: There are 3 children of the family. Father has the primary physical custody of 2 and Mother has the primary physical custody of 1.

Mother would have an obligation of 25% of her gross income for the two children who primarily live with Father.

Father would have an obligation of 18% of his gross income for the one child who primarily lives with Mother.

Subtract the less from the greater and the difference is paid to the parent who has the lesser obligation.

Some figures on the example:

Mother's gross monthly income is \$1600.

25% of that is \$400 - that is mother's obligation for the 2 children living with father

Father's gross monthly income is \$1700.

18% of that is \$306 - that is father's obligation for the 1 child living with mother

Therefore, Mother would pay Father the difference - \$94 a month in child support.

**Please note: If the presumptive maximum is in the equation, that figure is used after the difference is figured.**

### IMPORTANT REMINDER

The deviations listed in NRS 125B.080 still may be figured into the formula to increase or decrease the child support obligation.

# Worksheet A -Primary Physical Custody Child Support Calculation Worksheet

You must fill out this worksheet and attach it to the document you are filing which asks for a primary physical custody arrangement. Primary physical custody exists when one parent has physical custody of the child more than 60% (219 days) of the time calculated over a one year period.

① : Determine Gross Monthly Income (GMI) of the non-custodial parent (estimate if unknown).

Hourly wage \$ _____	X	Hrs/Week _____	=	\$ _____	X	Pay Periods 52	=	Yearly income \$ _____	÷	Months 12	=	GMI \$ _____
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② : Determine Obligation.

GMI \$ _____	X	Formula Percentage (0.18 for 1 child, 0.25 for 2 children, 0.29 for 3 children, 0.02 increase for each additional child) 0. _____	=	Monthly child support rounded to the nearest dollar \$ _____
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③ : Apply the presumptive maximum if applicable. Usually, this is the maximum amount a parent may be required to pay per month per child. This amount changes every year on July 1<sup>st</sup>. Make sure you are using the most current chart.

Income Range		Presumptive Maximum Amount
<i>If the Parent's GMI is At Least</i>	<i>But Less Than</i>	
\$0	- \$4,235	\$670 per child
\$4,235	- \$6,351	\$737 per child
\$6,351	- \$8,467	\$806 per child
\$8,467	- \$10,585	\$871 per child
\$10,585	- \$12,701	\$939 per child
\$12,701	- \$14,816	\$1,005 per child
\$14,816	- No Limit	\$1,074 per child

④ : Deviations. If you are requesting an amount of child support that is lower or higher than the amount in ② or ③, if applicable, your reason(s) for requesting a different amount must be based upon one of the following factors. (✓ check all that apply)

<input type="checkbox"/> The cost of health insurance	<input type="checkbox"/> The cost of childcare	<input type="checkbox"/> The relative income of both parents
<input type="checkbox"/> Special educational needs of the child	<input type="checkbox"/> The amount of time the child spends with each parent	<input type="checkbox"/> Any other necessary expenses for the benefit of the child
<input type="checkbox"/> The age of the child	<input type="checkbox"/> Legal responsibility of the parent for the support of others	<input type="checkbox"/> The value of services contributed by either parent
<input type="checkbox"/> Any expenses reasonably related to the mother's pregnancy and confinement	<input type="checkbox"/> The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction that ordered the support and the non-custodial parent remained	<input type="checkbox"/> Any public assistance paid to support the child

➤ Explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# Worksheet B - Joint Physical Custody Child Support Calculation Worksheet

You must fill out this worksheet and attach it to the document you are filing which asks for a joint physical custody arrangement. A joint physical custody arrangement exists when each parent has physical custody of the child at least 40% (146 days) of the time calculated over a one year period.

## ① : Determine Each Parent's Gross Monthly Income (GMI) (estimate other parent's income if unknown).

Mom's Hourly Wage \$ _____	X	Hrs/Week _____	=	\$ _____	X	Pay Periods 52	=	Yearly income \$ _____	÷	Months 12	=	Mom's GMI \$ _____
Dad's Hourly Wage \$ _____	X	Hrs/Week _____	=	\$ _____	X	Pay Periods 52	=	Yearly income \$ _____	÷	Months 12	=	Dad's GMI \$ _____

## ② : Determine Each Parent's Child Support Obligation.

Mom's GMI \$ _____	X	Formula Percentage (0.18 for 1 child, 0.25 for 2 children, 0.29 for 3 children, 0.02 increase for each additional child) 0.____	=	Monthly child support obligation (in nearest dollar) \$ _____
Dad's GMI \$ _____	X	Formula Percentage (0.18 for 1 child, 0.25 for 2 children, 0.29 for 3 children, 0.02 increase for each additional child) 0.____	=	Monthly child support obligation (in nearest dollar) \$ _____

## ③ : Subtract the higher amount of monthly child support in ② from the lower amount.

Higher \$ _____	-	Lower \$ _____	=	Child Support Obligation \$ _____	paid by	Name of higher income parent _____
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④ : Apply the presumptive maximum if applicable. Usually, this is the maximum amount a parent may be required to pay per month per child. This amount changes every year on July 1st. Make sure you are using the most current chart.

Income Range		Presumptive Maximum Amount
<i>If the Parent's GMI is At Least</i>	<i>But Less Than</i>	
\$0	- \$4,235	\$670 per child
\$4,235	- \$6,351	\$737 per child
\$6,351	- \$8,467	\$806 per child
\$8,467	- \$10,585	\$871 per child
\$10,585	- \$12,701	\$939 per child
\$12,701	- \$14,816	\$1,005 per child
\$14,816	- No Limit	\$1,074 per child

⑤ : **Deviations.** If you are requesting an amount of child support that is lower or higher than the amount in ③ or ④, if applicable, your reason(s) for requesting a different amount must be based upon one of the following factors. ( check all that apply)

<input type="checkbox"/> The cost of health insurance	<input type="checkbox"/> The cost of childcare	<input type="checkbox"/> The relative income of both parents
<input type="checkbox"/> Special educational needs of the child	<input type="checkbox"/> The amount of time the child spends with each parent	<input type="checkbox"/> Any other necessary expenses for the benefit of the child
<input type="checkbox"/> The age of the child	<input type="checkbox"/> Legal responsibility of the parent for the support of others	<input type="checkbox"/> The value of services contributed by either parent
<input type="checkbox"/> Any expenses reasonably related to the mother's pregnancy and confinement	<input type="checkbox"/> The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction that ordered the support and the non-custodial parent remained	<input type="checkbox"/> Any public assistance paid to support the child

◆ Explain: \_\_\_\_\_

**PRESUMPTIVE MAXIMUM AMOUNTS (PMA) OF CHILD SUPPORT  
EFFECTIVE JULY 1, 2014 - JUNE 30, 2015**

**NRS 125B.070**

*PMA increased 1.5% pursuant to the Consumer Price Index (all items) increase in Calendar Year 2013 (Dec - Dec) as published by the U.S. Department of Labor, Bureau of Labor Statistics  
<http://www.bls.gov/cpi/#tables>*

<u><b>INCOME RANGE</b></u>			<u><b>PRESUMPTIVE MAXIMUM AMOUNT (PMA)</b></u>
<i>If the Parent's Gross Monthly Income is at Least</i>	-	<i>But Less Than</i>	<i>The PMA the Parent May Be Required to Pay per Month per Child Pursuant to Paragraph (b) of Subsection 1 is</i>
\$0	-	\$4,235	\$670
\$4,235	-	\$6,351	\$737
\$6,351	-	\$8,467	\$806
\$8,467	-	\$10,585	\$871
\$10,585	-	\$12,701	\$939
\$12,701	-	\$14,816	\$1,005
\$14,816	-	No Limit	\$1,074

The PMA are calculated and published by the Administrative Office of the Courts on or before April 1 of each year in accordance with the provisions of NRS 125B.070 (3). Please contact Deanna Bjork at (775) 684-1708 if you have any questions on how the amounts were calculated. Contact your district court if you have questions on how the amounts are applied based on circumstances.

Historical PMA are available on the Nevada Judiciary's website at [www.nevadajudiciary.us](http://www.nevadajudiciary.us). Type in the word "presumptive" after selecting the "search" option, which is found at the bottom of the website.

**IMPORTANT**  
**BEFORE**  
**YOU START**

READ **ALL** INSTRUCTIONS  
CAREFULLY

DO NOT use Wite-Out®

or other correction fluid/tape on the documents.  
The Filing Office will not accept documents with  
Wite-Out® or other correction fluid/tape on them.

Use Black Ink

**PRINT** all information neatly

1 Code: \_\_\_\_\_  
2 Name: \_\_\_\_\_  
3 Address: \_\_\_\_\_  
4 Telephone No. \_\_\_\_\_  
5 Appearing in Proper Person

6 IN THE FAMILY DIVISION  
7 OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF WHITE PINE  
9

10 \_\_\_\_\_ Plaintiff / Joint Petitioner, Case No. \_\_\_\_\_  
11 and \_\_\_\_\_ Dept. No. \_\_\_\_\_  
12 \_\_\_\_\_ Defendant / Joint Petitioner.  
13 \_\_\_\_\_ /

14 **REQUEST TO CONVERT COMPLAINT TO JOINT PETITION**

15 Petitioner, \_\_\_\_\_, requests that this Court convert  
16 the original Complaint in this matter to a Joint Petition based upon the following:  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_

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

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

23 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
24

25 \_\_\_\_\_  
26 SIGNATURE  
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Code: \$1840  
Wife's name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

Husband's name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_

Appearing in Proper Person

IN THE FAMILY DIVISION  
OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WHITE PINE

In the Matter of the Marriage Case No. \_\_\_\_\_  
Of \_\_\_\_\_ Dept. No. \_\_\_\_\_  
\_\_\_\_\_  
(Wife's name)  
and \_\_\_\_\_  
\_\_\_\_\_  
(Husband's name)  
Joint Petitioners  
\_\_\_\_\_ )

**JOINT PETITION FOR SUMMARY DECREE OF DIVORCE  
WITH MINOR CHILD OR CHILDREN**

Petitioners, (Wife's name) \_\_\_\_\_, in proper  
person, and (Husband's name) \_\_\_\_\_, in proper  
person, hereby petition this Court, pursuant to the terms of Chapter 125 of the Nevada Revised  
Statutes, to grant them a divorce. Petitioners respectfully show, and under oath, state to the  
Court that every condition of NRS 125.181 has been met and further state as follows:

I.

The Petitioners married on \_\_\_\_\_ in the County of  
(Date of Marriage, including month, day and year)

1 \_\_\_\_\_, State of \_\_\_\_\_, and  
2 (County in which you were married) (State in which you were married)

3 ever since have been, and still are, Husband and Wife.

4 II.

5 The Petitioner \_\_\_\_\_, is now, and for more  
6 (Name of the resident petitioner)

7 than six weeks before the filing of this action has been, an actual resident of the State of Nevada  
8 and, during all this period of time has been actually, physically, present in, and living in, the  
9 State of Nevada, and intends to continue to make the State of Nevada (his or her) \_\_\_\_\_  
10 home for an indefinite period of time.

12 The current addresses of the Petitioners are:

13 \_\_\_\_\_

14 (Wife's name)

15 \_\_\_\_\_

16 (Wife's mailing address)

17 \_\_\_\_\_

18 (Wife's residence address)

19 \_\_\_\_\_

20 (Husband's name)

21 \_\_\_\_\_

22 (Husband's mailing address)

23 \_\_\_\_\_

24 (Husband's residence address)

25 III.

26 That Petitioners have become, and continue to be, incompatible in marriage and no  
27 reconciliation is possible.

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IV.

Wife \_\_\_\_\_ pregnant at this time.  
(is or is not)

*If wife is pregnant at this time, answer the following questions. If wife is not pregnant, print "not applicable" in the spaces.*

Husband (is or is not) \_\_\_\_\_ the father of the unborn child. The unborn child is due to be born on: (date of expected birth) \_\_\_\_\_.

V.

*In the following paragraph, list all children born of this union, whether born prior to marriage or during the marriage and also include any children who were adopted during the time of the marriage.*

That there are \_\_\_\_\_ minor children born to, or adopted, through this union.  
(Number of minor children)

<u>NAME</u>	<u>AGE</u>	<u>DATE OF BIRTH</u>
_____	_____	_____
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VI.

**Children's Residence**  
*In the following paragraph, print each child's name and indicate in what State each child presently resides and how long the child has resided in that state.*

The state of residence of the children is as follows:

<u>Name</u>	<u>State Of Residence</u>	<u>Length Of Time Child Has Lived In That State</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

**STOP HERE** and do not fill out any custody and visitation information if the children have not been physically present in the State of Nevada for the past six months. You must seek the assistance of private counsel or the Facilitator's Office.

VII.

**Legal Custody Of The Children**  
***WARNING: Your choice of custody terms may have a direct effect on your legal rights to your children. Be sure you are familiar with the legal definitions of the different kinds of custody before you agree to how custody will be stated in these documents.***

**Joint Legal Custody**

\_\_\_\_\_ Petitioners are fit and proper persons to be awarded joint  
 (Wife's initials) (Husband's initials) legal custody of the minor child(ren),  
 \_\_\_\_\_  
 (Name(s) of the child(ren))

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The parents may, from time to time, adjust the transportation provision or the weekends of scheduled visitation by agreement.

**HOLIDAY VISITATION**

*(You may add or subtract any holidays on the following list. If you choose not to exchange the child(ren) on a specific holiday, print "not applicable" in the spaces for that holiday. If no changes for the holidays are to be made in the regular visitation schedule, state that clearly in the next paragraph and print "not applicable" on the lines provided for the individual holidays.)*

The major holidays will be handled in the following manner:

(Name each specific holiday, such as Thanksgiving, Christmas, Easter, Passover, Hanukkah)

1 New Year's Day will be alternated with \_\_\_\_\_ having  
2 the child in the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
3 (Father or Mother)  
(odd or even)

4 Martin Luther King's Birthday will be alternated with \_\_\_\_\_ having the  
5 child in the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
6 (Father or Mother)  
(odd or even)

7 President's Day will be alternated with \_\_\_\_\_ having the  
8 child in the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
9 (Father or Mother)  
(odd or even)

10 Memorial Day will be alternated with \_\_\_\_\_ having the  
11 child in the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
12 (Father or Mother)  
(odd or even)

13 Fourth of July will be alternated with \_\_\_\_\_ having the  
14 child in the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
15 (Father or Mother)  
(odd or even)

16 Labor Day will be alternated with \_\_\_\_\_ having the child in  
17 the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
18 (Father or Mother)  
(odd or even)

19 Nevada Day will be alternated with \_\_\_\_\_ having the child in  
20 the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
21 (Father or Mother)  
(odd or even)

22 Halloween will be alternated with \_\_\_\_\_ having the child in  
23 the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
24 (Father or Mother)  
(odd or even)

25 Veteran's Day will be alternated with \_\_\_\_\_ having the child in  
26 the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
27 (Father or Mother)  
(odd or even)

28 Child's birthday will be alternated with \_\_\_\_\_ having the child in  
the year \_\_\_\_\_ and each \_\_\_\_\_ year thereafter.  
(Father or Mother)  
(odd or even)

29 Mother shall have the child on Mother's Day and Father shall have the child on Father's  
Day.

30 Holidays not specifically time defined shall begin at \_\_\_\_\_ a.m. and end at \_\_\_\_\_ p.m.

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on that same day. The parent who has the holiday will pick the child up and return the child to the other parent at the end of the scheduled time.

Should a holiday fall on a three day weekend and it is the other parent's weekend to have the child(ren), the three day holiday will be handled as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ shall have a block time of time with the child(ren) for vacation purposes. That length of time for vacation period shall be \_\_\_\_\_  
(Father or Mother or both parents) (one week, two weeks, three weeks, one month)

\_\_\_\_\_ shall notify the other parent, in writing, at least \_\_\_\_\_  
(Father or Mother) (days or weeks)  
in advance of the choice of time.

Each parent \_\_\_\_\_ notify the other if they take the child out of the State of Nevada for more than 24 hours, for any reason. Notification shall be made prior to leaving the State and shall include the date leaving the State, the destination, the date returning to the State, the type of transportation, and, if possible, a telephone number for contact while the child is out of the State.

Each parent shall immediately notify the other if any emergency occurs with the child such that medical treatment is needed or sought.

Each parent \_\_\_\_\_ keep the other informed of the  
Wife's initials Husband's initials (shall or shall not)

1 child care giver for the child, including name, address, and telephone number.

2 \_\_\_\_\_ Each parent \_\_\_\_\_ have the right of first refusal  
3 Wife's initials Husband's initials (shall or shall not)

4 to care for the child if the other parent is not available to care for the child for a period of  
5 \_\_\_\_\_ hours. In other words, if the child is in Mother's custody and Mother is not

6 available to care for the child for \_\_\_\_\_ hours or more, Father shall be notified  
7 and given the right of first refusal to care for the child before any third party is called in to care for  
8 the child. Mother has the same right of first refusal when the child is with Father and Father is not  
9 available to care for the child for \_\_\_\_\_ hours, or more.

10 \_\_\_\_\_ Both parents are to have equal access to all the child's medical  
11 Wife's initials Husband's initials

12 records, school records, and any other records generated for the benefit of, or on behalf of, the child.

13 X.

14  
15 **CHILD SUPPORT**  
16 *The child support agreed upon MUST be based on the formula as set out in the*  
17 *Nevada Revised Statutes. You may not just agree on an arbitrary amount*

18 \_\_\_\_\_ shall pay child support in the amount of \$ \_\_\_\_\_  
19 (Father or Mother)

20 per month, per child, for a total monthly child support obligation of \$ \_\_\_\_\_

21 per month. The child support shall be paid on or before the \_\_\_\_\_ day of each month.

22 We came to this agreement based upon the following information:

23  
24 Husband's gross monthly income is \$ \_\_\_\_\_  
25 (Amount earned per month before deductions)

26  
27 Wife's gross monthly income is \$ \_\_\_\_\_  
28 (Amount earned per month before deductions)

Both parties must initial ONE of the following statements regarding child support.

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\_\_\_\_\_ is the non-custodial parent and, the  
Husband      Wife      (Mother or Father)  
amount agreed upon on above is in compliance with NRS  
125B.070 and is \_\_\_\_\_ % of \_\_\_\_\_  
(18%, 25%, 29%, 33%) (Father's or Mother's)  
gross monthly income or the minimum amount.

OR

Because Petitioners are joint physical custodians, the amount of child  
Husband      Wife  
support above meets the statutory requirement.

OR

The support obligation amount that has been agreed upon by the parties  
Husband      Wife  
is not the amount required in the statutes. Under the statutes, the child  
support obligation for \_\_\_\_\_ would be \$ \_\_\_\_\_  
(Mother or Father)  
per month, per child. However, Petitioners have agreed to change that  
amount because: *(Please see NRS 125B.080 for the only reasons you  
can deviate from the statutory formula, and list your reasons here)*

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The child support obligation for each child shall continue until that child reaches the age of eighteen years, or, if the child is still attending high school at the age of eighteen years, until the child reaches the age of nineteen years or graduates from high school, or is otherwise emancipated, whichever occurs first.

A wage assignment for the child support \_\_\_\_\_ be immediately put in place.  
(will or will not)

***Both parties must initial ONE of the following statements regarding child support.***

1. \_\_\_\_\_  
Husband    Wife                      There is already a Child Support action through the District Attorney's Office and payment of the child support shall continue to be handled through that office.
2. \_\_\_\_\_  
Husband    Wife                      The children are receiving Welfare benefits and the Welfare Department has, or will have, a child support case through the District Attorney's Office and the District Attorney's Office shall continue to handle the child support payments.
3. \_\_\_\_\_  
Husband    Wife                      No formal child support obligation has ever previously been established and this will be the first Court Order for child support and the parent paying child support will pay the support directly to the receiving parent.
4. \_\_\_\_\_  
Husband    Wife                      Although this is the first Court Order for child support, the payments will be through the District Attorney's Office and the parent who will be collecting child support shall open the case with the District Attorney's Office.

**XI.**

***Health Care***  
***Provisions must be made for health care for the child(ren). If neither parent has health insurance on the child(ren), that must be stated. If the children are on Medicaid, that must be stated. Fill in all spaces, do not leave any spaces blank.***

The child(ren) presently (are or are not) \_\_\_\_\_ covered by a health insurance policy.







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The spousal support shall begin on \_\_\_\_\_  
(Date spousal support to begin)

and end on \_\_\_\_\_  
(Date last spousal support payment will be made)

Husband \_\_\_\_\_ Wife \_\_\_\_\_ Husband shall receive spousal support in the amount of \$ \_\_\_\_\_  
(Amount Husband to receive)  
per \_\_\_\_\_, due and payable on the \_\_\_\_\_ of  
(Week or month) (Date amount due)  
each \_\_\_\_\_ for a period of \_\_\_\_\_  
(Week or month) (Number of weeks, months or years)

The spousal support shall begin on \_\_\_\_\_  
(Date spousal support to begin)

and end on \_\_\_\_\_  
(Date last spousal support payment will be made)

XV.

Former Name  
*Initial **ONLY ONE** of the following statements and print "not applicable" in the spaces not filled in.*

Husband \_\_\_\_\_ Wife \_\_\_\_\_ Wife does not wish to return to her former name.

Husband \_\_\_\_\_ Wife \_\_\_\_\_ Wife wishes to return to her former name of \_\_\_\_\_  
\_\_\_\_\_  
(Print full name).

Husband \_\_\_\_\_ Wife \_\_\_\_\_ Wife never changed her name and, therefore, does not request restoration of her former name.

XVI.

Petitioners hereby request that this Court enter a Decree of Divorce, incorporating into that Decree the provisions made herein.

XVII.

It is understood by the Petitioners that entry of Decree of Divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the status of the marriage.

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Petitioners each expressly give up their respective rights to receive written Notice of Entry of any Decree and Judgment of Divorce and Petitioners give up their right to request a formal Findings of Fact and Conclusions of Law, or to appeal any Judgment or Order of this Court made and entered in these proceedings or the right to move for a new trial.

XVIII.

It is further understood by the Petitioners that a final Decree of Divorce entered by this summary procedure does not prejudice or prevent the rights of either Petitioner to bring an action to set aside the final decree for fraud, duress, accident, mistake or the grounds recognized at law or in equity.

WHEREFORE, Petitioners pray as follows:

- 1. That the parties be granted a decree of divorce and that each of the petitioners be restored to the status of single, unmarried persons.
- 2. That the terms agreed upon in this Joint Petition be included in the Decree.

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

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

DATE: \_\_\_\_\_  
(Date signed by Wife)

DATE: \_\_\_\_\_  
(Date signed by Husband)

\_\_\_\_\_  
(Wife's signature)

\_\_\_\_\_  
(Husband's signature)

1 Code: 3860  
2 Name: \_\_\_\_\_  
3 Address: \_\_\_\_\_  
4 Telephone: \_\_\_\_\_  
5 Appearing in Proper Person  
6 Name: \_\_\_\_\_  
7 Address: \_\_\_\_\_  
8 Telephone: \_\_\_\_\_  
9 Appearing in Proper Person

8 IN THE FAMILY DIVISION  
9 OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
10 IN AND FOR THE COUNTY OF WHITE PINE

11 In the Matter of the Marriage of

12 \_\_\_\_\_, Case No. \_\_\_\_\_  
13 (Wife's name)  
14 and Dept. No. \_\_\_\_\_  
15 \_\_\_\_\_,  
16 (Husband's name)  
17 Joint Petitioners.

18 **JOINT REQUEST FOR SUBMISSION**

19 Joint Petitioners, acting in Proper Person, request that their Joint Petition and all related  
20 documents that were filed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, be  
21 (Day) (Month)  
22 submitted to the Court for consideration and determination.

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

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

25 Signature: \_\_\_\_\_ Signature: \_\_\_\_\_  
26 Printed Name: \_\_\_\_\_ Printed Name: \_\_\_\_\_  
27 Address: \_\_\_\_\_ Address: \_\_\_\_\_  
28 Telephone: \_\_\_\_\_ Telephone: \_\_\_\_\_

1 Code: 1540

2

3

4

5

6

IN THE FAMILY DIVISION

7

OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

8

IN AND FOR THE COUNTY OF WHITE PINE

9

10 In the Matter of the Marriage

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

11

of

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

12

\_\_\_\_\_

(Wife's Name)

13

and

14

\_\_\_\_\_

(Husband's Name)

15

Joint Petitioners

16

\_\_\_\_\_ /

17

18

**DECREE OF DIVORCE**

19

**(With Children)**

20

The above-entitled cause having been submitted to this Court for decision pursuant to

21

Chapter 125 of the Nevada Revised Statutes, and based upon the Joint Petition by Petitioner's

22

\_\_\_\_\_ and \_\_\_\_\_

(Wife 's Name)

(Husband 's Name)

23

and all of the papers and pleadings on file, the Court finds as follows:

24

1. That all of the allegations contained in the documents on file are true.

25

2. That all of the requirements of NRS 125.181 and NRS 125.182 have been met.

26

27

28



1 reconciliation is possible, and/or the parties have lived separate and apart for more than one year  
2 without cohabitating as Husband and Wife and Petitioners are entitled to a Decree of Divorce.

3  
4 ***If the following spaces do not apply to your circumstances, print "N/A" in each space.***

5 9. Wife \_\_\_\_\_ pregnant at this time.  
6 (is or is not)

7 Husband \_\_\_\_\_ alleged to be the father of the unborn child. The unborn child is due  
8 (is or is not)  
9 to be born on \_\_\_\_\_.  
10 (Date of expected birth)

11 10. That Petitioners have entered into an agreement settling all issues regarding the care,  
12 custody, visitation, health insurance, and child support of the child(ren) over whom this Court has  
13 jurisdiction, said agreement being in the best interests of the child(ren), and Petitioners have  
14 requested that their agreement, as set forth in the Joint Petition, be ratified, confirmed and  
15 incorporated into this Decree as though fully set forth herein.

16 11. That Petitioners have entered into an agreement settling all issues regarding the division  
17 and distribution of assets and debts, said agreement being an equitable one, and Petitioners have  
18 requested that their agreement in the Joint Petition be ratified, confirmed and incorporated into this  
19 Decree as though fully set forth herein.

20 12. That Petitioners have entered into an agreement settling the issue of spousal support and  
21 request that their agreement as set forth in the Joint Petition be ratified, confirmed, and incorporated  
22 into this Decree as though fully set forth herein.

23 ***Initial ONLY ONE space in Paragraph 13 and print "N/A" in the other spaces.***

24 13. \_\_\_\_\_ Wife does not wish to return to her former name.

25 \_\_\_\_\_ Wife wishes to return to her former name of \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_ Wife never changed her name so does not request restoration of a former  
28 name.

1 14. That Petitioners waive their rights to a written Notice of Entry of Decree of Divorce, to  
2 appeal, to Findings of Fact and Conclusions of Law, and to move for a new trial.

3

4 **THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

5 1. That the bonds of matrimony now existing between Petitioners are dissolved and an  
6 absolute Decree of Divorce is granted to the parties, and each of the parties is restored to the status  
7 of an unmarried person.

8 2. That their agreement, as stated in the Petitioners' Joint Petition regarding the care,  
9 custody, visitation, health insurance, and child support of the child(ren) over which this Court has  
10 jurisdiction, is hereby ratified, confirmed and incorporated into this Decree as though fully set forth.

11 3. That their agreement, as stated in the Petitioners' Joint Petition regarding the division and  
12 distribution of assets and debts, is hereby ratified, confirmed and incorporated into this Decree as  
13 though fully set forth.

14 4. That the agreement, as stated in the Petitioners' Joint Petition regarding the issue of  
15 spousal support, is hereby ratified, confirmed and incorporated into this Decree as though fully set  
16 forth.

17

*Initial ONLY ONE space in Paragraph 5 and print "N/A" in the other spaces.*

18

19 5. \_\_\_\_\_ Wife shall retain her present name.

20 \_\_\_\_\_ Wife is hereby restored to her former name of \_\_\_\_\_

21

22 \_\_\_\_\_ Wife never changed her name so does not request restoration of a former  
23 name.

24 **IT IS FURTHER ORDERED AND PETITIONERS ARE PUT ON NOTICE** that they  
25 are subject to the requirements of the following Nevada Revised Statutes:

26 **NRS 125.510(6) regarding abduction, concealment or detention of a child:**

27 **PENALTY FOR VIOLATION OF ORDER**

28 **THE ABDUCTION, CONCEALMENT OR DETENTION OF A  
CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A  
CATEGORY D FELONY AS PROVIDED IN NRS 193.130.**

1 NRS 200.359 provides that every person having a limited right of  
2 custody to a child or any parent having no right of custody to the child  
3 who willfully detains, conceals or removes the child from a parent,  
4 guardian or other person having lawful custody or a right of visitation  
5 of the child in violation of an order of this court, or removes the child  
6 from the jurisdiction of the court without the consent of either the  
7 court or all persons who have the right to custody or visitation is  
8 subject to being punished for a category D felony as provided in  
9 NRS 193.130.

6 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,  
7 1980, adopted by the 14<sup>th</sup> Session of the Hague Conference on Private International law, apply if a  
8 parent abducts or wrongfully retains a child in a foreign country. The parties are also put on notice  
9 of the following provisions in NRS 125.510(8):

10 If a parent of the child lives in a foreign country or has significant  
11 commitments in a foreign country:

12 a) The parties may agree, and the court shall include in the  
13 order for custody of the child, that the United States is the country of  
14 habitual residence of the child for the purposes of applying the terms  
15 of the Hague Convention as set forth in subsection 7.

16 (b) Upon motion of one of the parties, the court may order the  
17 parent to post a bond if the court determines that the parent poses an  
18 imminent risk of wrongfully removing or concealing the child outside  
19 the country of habitual residence. The bond must be in an amount  
20 determined by the court and may be used only to pay for the cost of  
21 locating the child and returning him to his habitual residence if the  
22 child is wrongfully removed from or concealed outside the country of  
23 habitual residence. The fact that a parent has significant  
24 commitments in a foreign country does not create a presumption that  
25 the parent poses an imminent risk of wrongfully removing or  
26 concealing the child.

19 **NRS 125C.200 regarding relocation with minor children**

20 If custody has been established and the custodial parent or a parent  
21 having joint custody intends to move his residence to a place outside  
22 of this state and to take the child with him, he must, as soon as  
23 possible and before the planned move, attempt to obtain the written  
24 consent of the other parent to move the child from the state. If the  
25 noncustodial parent or other parent having joint physical custody  
26 refuses to give that consent, the parent planning the move shall,  
27 before he leaves the state with the child, petition the court for  
28 permission to move the child. The failure of a parent to comply with  
the provisions of this section may be considered as a factor if a  
change of custody is requested by the noncustodial parent or other  
parent having joint custody.

27 **NRS 125.450 regarding the collection of child support payments through mandatory**  
28 **wage withholding or assignment of income.**

**NRS 31A regarding the enforcement of a child support obligation and the collection of**

1 delinquent child support.

2 NRS 125B.145 regarding the review of child support at any time due to changed  
3 circumstances and at least every three years following the entry of the child support order.

4 THIS IS A FINAL DECREE

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

6  
7 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

8

9

\_\_\_\_\_

DISTRICT JUDGE

10

11 Respectfully submitted:

12

13

\_\_\_\_\_

Wife's Signature

\_\_\_\_\_

Husband's Signature

14

15

\_\_\_\_\_

Print Your Name

\_\_\_\_\_

Print Your Name

16

17

\_\_\_\_\_

Address

\_\_\_\_\_

Address

18

19

\_\_\_\_\_

City, State, Zip

\_\_\_\_\_

City, State, Zip

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