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IMPORTANT

THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE ADVISE OF A PRIVATE ATTORNEY

PRIVATE COUNSEL IS ALWAYS RECOMMENDED FOR LEGAL MATTERS

The law allows any person to represent themselves in a legal action. However, filing an action with the Court and representing yourself in the Courtroom can be a complicated legal procedure and this packet does not attempt to address all 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 laws 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 filing in any portion of the following documents, read all the materials included in this packet including the definition of terms.

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Overview of DIVORCE Process

File A Complaint for Divorce Separately

If the spouses do not agree on the terms of the divorce, one person can file a Complaint for Divorce.

Defendant has to be served within 120 days.

File a Joint Petition for Divorce Together

If both spouses agree to all the terms of the divorce, they can file for divorce together. The spouses fill out a Joint Petition for Divorce, and sign the document in front of a notary.

The spouses fill out a few other court forms, and turn in a Decree of Divorce to the judge for approval. Usually, no hearing is needed. Once approved, the parties are divorced.

Serve The Defendant

Plaintiff must arrange to have someone over 18 who is not involved in the case serve Defendant with the Complaint and Summons. Defendant has 20 days to file a response.

Publication

If Defendant cannot be found, Plaintiff can ask the Court's permission to serve by publishing a notice in a newspaper.

If Defendant Files An Answer:

The Court will set a "Case Management Conference" within 90 days. Both parties must attend the hearing. At the hearing, the judge will find out what the parties agree and disagree on.

If Defendant Does Nothing:

Plaintiff can ask the Court to issue a "default" against the Defendant. If a default is issued, Plaintiff can submit a final divorce decree to the judge without the Defendant's signature.

Motion for Temporary Orders

Either party can set a court date by filing a motion for temporary orders pending the final divorce.

Family Mediation Center

If parents have minor children and can't agree on custody, the Court refers them to FMC to try to work out a parenting plan with a mediator.

Settlement Conferences

A judge may have the parties meet with a senior judge or a private mediator to try and reach an agreement.

If the parties settle:

They can submit a Divorce Decree with all the final agreed terms to the judge for approval. When signed by the judge and filed with the Court, the parties are divorced.

If the parties do not settle:

The judge will set a trial date. At trial, the parties present witnesses and evidence so the judge can decide any issues that the parties are not able to resolve. The divorce is then final.

SOME DEFINITIONS and EXPLANATIONS OF TERMS USED IN FAMILY CASES

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, or may be permanent such as for a lifetime or until remarriage, whichever occurs first. If the spouse that is receiving support remarries, unless otherwise agreed upon, the spousal support stops. 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.**

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 of 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 through 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 gives 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 any 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.**

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.**

Petitioner:

A party that starts or "brings" an action against another party. Also known as the Plaintiff, depending on what kind of an action is filed. If the action is a Joint Petition, such as a Joint Petition for Divorce or a Joint Petition to Establish Custody and Visitation, both parties are called "petitioners", rather than Plaintiff and Defendant.

Residency Requirement:

One of the "petitioners" must be a resident of the State of Nevada and that person is known as the "resident petitioner". 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 the filing the Joint Petition. If both people are residents of the State of Nevada, only one is actually designated as the "resident petitioner" for purposes of the filling out and filing of the Affidavit of Resident Witness Form. The parties **cannot** automatically agree to waive the jurisdiction issue.

Resident Petitioner:

The petitioner, or party, on whose behalf the Affidavit of Resident Witness is going to be filed. If both Petitioners are residents, only one will be the "Resident Petitioner".

Resident Witness:

A person that will swear in the Affidavit of Resident Witness that one of the Petitioners 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 Joint Petition. The Resident Witness may be a friend, a family member or a co-employee.

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, **if** the proceeds were Kept entirely separate from the community. 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.**

DVJ

Spouse's Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Spouse's Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Self-Represented

**IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WHITE PINE**

First Joint Petitioner (*Spouse Name*),

And

Second Joint Petitioner (*Spouse Name*).

CASE NO.: _____

DEPT: _____

JOINT PETITION FOR DIVORCE (No Children)

Petitioners, 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:

- 1. Residency.** The following spouse has been a resident of the State of Nevada for at least six weeks prior to filing this Complaint and intends to make Nevada his/her home for an indefinite period of time: (*name of Nevada resident*) _____.
- 2. Marriage.** The parties were married on (*date*) _____ in (*city*) _____, (*state*) _____. The parties are incompatible.

3. The current addresses of the Petitioners are:

First Petitioner:

Name: _____

Address: _____

City, State, Zip: _____

Second Petitioner:

Name: _____

Address: _____

City, State, Zip: _____

4. **Children.** There are no minor children in common born to or adopted by the Petitioners. (*check one*)

Neither spouse is pregnant.

The following spouse is pregnant: (*name of pregnant spouse*) _____.

The other spouse is / is not the parent of the unborn child. The child is due to be born on (*date*): _____.

5. **Division of Community Property.** (*check one*)

There is no community property to divide.

Any community property has already been divided.

The community property should be divided as follows:

(*Name of spouse*) _____ shall receive:

1. _____

2. _____

3. _____

4. _____

(*Name of spouse*) _____ shall receive:

1. _____

2. _____

3. _____

4. _____

6. **Division of Community Debt.** (*check one*)

- There is no community debt to divide.
- Any community debt has already been divided.
- The community debt should be divided as follows:

(*Name of spouse*) _____ shall be liable for:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

(*Name of spouse*) _____ shall be liable for:

- 1. _____
- 2. _____
- 3. _____
- 4. _____

7. **Alimony.** (*check one*)

- Neither petitioner should be awarded alimony.
- (*Name of spouse who will pay alimony*) _____ should pay (*amount*) \$_____ per month in alimony for the next (*number*) _____ years. Spousal support should begin on (*date*) _____ and end on (*date*) _____.

8. **Name Change.** (*check all that apply*)

- Neither party changed their name or neither party wishes to have a former or maiden name restored.
- The name of (*spouse's name*) _____ should be restored to his / her former or maiden name of (*write the full name the person wants to go back to*) _____.
- The name of (*spouse's name*) _____ should be restored to his / her former or maiden name of (*write the full name the person wants to go back to*) _____.

9. Petitioners certify that they have disclosed all community assets and debts and that there are no other community assets or debts for this Court to divide.
10. Petitioners hereby request that this Court enter a Decree of Divorce, incorporating into that Decree the provisions made in this Joint Petition.
11. It is understood by the Petitioners that entry of a Decree of Divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the status of the marriage. Petitioners each expressly give up their respective rights to receive written notice of entry of any judgment or decree of divorce, and Petitioners give up their right to request formal findings of fact and conclusions of law. Petitioners waive their right to appeal the Decree of Divorce, and the right to move for a new trial.
12. 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.

Petitioners request:

1. That they be granted a Decree of Divorce and that each of the Petitioners be restored to the status of a single, unmarried person;
2. That the terms agreed upon in this Joint Petition be included in the Decree.

Date: _____

▶ _____
(First Petitioner's signature)

(First Petitioner's printed name)

Date: _____

▶ _____
(Second Petitioner's signature)

(Second Petitioner's printed name)

FIRST PETITIONER'S VERIFICATION

STATE OF NEVADA)
)
COUNTY OF WHITE PINE)

(Spouse's name) _____ being first duly sworn under penalties of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Joint Petition for Divorce and know the contents thereof; that the pleading is true to the best of my own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

 ▶ _____
(Spouse's signature)

Signed and sworn to (or affirmed) before me on
(date) _____ by (name) _____

Signature of notarial officer

STATE OF NEVADA)
)
COUNTY OF WHITE PINE)

On this _____ day of _____ 20____, personally appeared before me, a Notary Public, (Spouse's name) _____, known or proved to me to be the person who executed the foregoing Joint Petition for Divorce, and who acknowledged to me that he/she did so freely and voluntarily and for the uses and purposes herein stated.

Signature of notarial officer

1 Code: _____
Your name: _____
2 Address: _____
3 Telephone: _____
4 In Proper Person

6 IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR _____

8 In the Matter of the Marriage)
9 Of)
10 _____)
11 (Wife's name))
12 and)
13 _____)
14 (Husband's name))
Joint Petitioners)
15 _____)

Case No. _____
Dept. No. _____

16 AFFIDAVIT OF RESIDENT WITNESS

17 STATE OF NEVADA)
18 County of _____) ss:

19 I, _____, do hereby swear under penalty
20 (Resident Witnesses' name)
21 of perjury that the assertions of this affidavit are true.

22 1. I am over the age of eighteen and competent to testify of my own knowledge to the
23 following.

24 2. I have lived in the State of Nevada for _____ years and presently live at
25 _____, City of _____, State of Nevada.
26 (Street address of person making the Affidavit)

27 I intend to live in the State of Nevada for the foreseeable future.

28 3. To my personal knowledge, _____
(Name of person whose residency is being established)

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lives at _____, State of Nevada and has
(The address of the person whose residency is being established)
been physically living within the State of Nevada on a daily basis for at least six (6) weeks prior to the
filing of this Joint Petition on _____.
(Date Joint Petition was filed)

4. To my personal knowledge, _____ has physically lived
(Name of person whose residency is being established)
in the State of Nevada since _____.
(State date you know the person has lived in Nevada)

5. I see the Petitioner on the average of _____ times a week. The
(State how often you actually see the person in a week)
Petitioner is _____
(Fill in how you know the person, such as friend, relative, co-worker, etc.)

6. I know of my own personal knowledge that _____
(Name of resident Petitioner)
is a bona fide resident of the State of Nevada.

DATED _____.

(Signature of person making this Affidavit)

SUBSCRIBED AND SWORN to before me
this _____ day of _____.

NOTARY PUBLIC

1 Case No.

2 Dept. No. I

3 The undersigned hereby affirms this document
4 Does not contain a social security number.

5
6 IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WHITE PINE
8

9 _____
10 Plaintiff,

11 Vs.

12 _____
13 Defendant.

REQUEST FOR SUBMISSION

14
15 (check one) Plaintiff / Defendant requests that the *(name of document you*
16 *submitted to the court)* _____, filed on
17 *(date document was filed)* _____ be submitted to the Court for decision.
18

19
20 DATED this _____ day of _____, 20____.

21 Submitted By: *(Signature)* _____

22 Printed Name: _____
23
24
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27
28

1 DECD

2 Spouse's Name: _____

3 Address: _____

4 City, State, Zip: _____

5 Phone: _____

6 Email: _____

7 Spouse's Name: _____

8 Address: _____

9 City, State, Zip: _____

10 Phone: _____

11 Email: _____

12 Self-Represented

13 **IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
14 **IN AND FOR THE COUNTY OF WHITE PINE**

15 _____
16 First Joint Petitioner (*Spouse Name*),

17 And

18 _____
19 Second Joint Petitioner (*Spouse Name*).

CASE NO.: _____

DEPT: _____

20 **DECREE OF DIVORCE**

21 The above entitled cause, having been submitted to this Court for decision pursuant to
22 Chapter 125 of the Nevada Revised Statutes, and based upon the Joint Petition by the
23 Petitioners, 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 3. That (*name of party who lives in Nevada*) _____ is
27 now and has been an actual bona fide resident of the State of Nevada and has been
28 actually domiciled in the State of Nevada for more than six weeks immediately prior to
the commencement of this action.

1 4. That Petitioners were married on (date) _____ in the city of
2 _____, State of _____ and have since
3 remained married. The parties have become, and continue to be, incompatible in
4 marriage, and no reconciliation is possible. The Petitioners are entitled to a Decree of
5 Divorce.

6 5. **Pregnancy.** (*check one*)

7 Neither spouse is pregnant.

8 The following spouse is pregnant: (*name of pregnant spouse*) _____.

9 The other spouse is / is not the parent of the unborn child. The child is due to be
10 born on (*date*): _____.

11 6. That the Petitioners have no minor children in common who are either biological or
12 adopted.

13 7. That the Petitioners have entered into an equitable agreement settling all issues
14 regarding the division and distribution of assets and debts which is outlined in the Joint
15 Petition, a filed copy of which is attached as Exhibit A. The Petitioners request that this
16 agreement be ratified, confirmed, and incorporated into this Decree as though fully set
17 forth.

18 8. That the Petitioners have entered into an equitable agreement settling the issue of
19 spousal support which is outlined in the Joint Petition, a filed copy of which is attached
20 as Exhibit A. The Petitioners request that this agreement be ratified, confirmed, and
21 incorporated into this Decree as though fully set forth.

22 9. That this Court has complete jurisdiction to enter this Decree and the orders regarding
23 the distribution of assets and debts.

24 10. That the Petitioners waive their rights to a written notice of entry of decree or judgment,
25 to request findings of fact and conclusions of law, to appeal, and to move for a new trial.

26 11. That any other necessary findings of fact are attached and incorporated herein.
27
28

1 **NOW THEREFORE, IT IS HEREBY ORDERED** that the bonds of matrimony now
2 existing between the parties are hereby wholly dissolved, and an absolute Decree of Divorce is
3 hereby granted to the parties, and each of the parties are hereby restored to the status of a single,
4 unmarried person.

5 **IT IS FURTHER ORDERED** that the terms, as stated in the Petitioner's Joint Petition,
6 regarding the division of assets and debts are hereby ratified, confirmed and incorporated into
7 this Decree as though fully set forth.

8 **IT IS FURTHER ORDERED** that the terms, as stated in the Petitioner's Joint Petition,
9 regarding the issue of spousal support are hereby ratified, confirmed and incorporated into this
10 Decree as though fully set forth.

11 **IT IS FURTHER ORDERED that** (*check all that apply*)

12 Neither party changed their name or neither party wishes to have a former or maiden
13 name restored.

14 The name of (*spouse's name*) _____ should be
15 restored to his / her former or maiden name of (*write full name the person wants to*
16 *go back to*) _____.

17 The name of (*spouse's name*) _____ should be
18 restored to his / her former or maiden name of (*write full name the person wants to*
19 *go back to*) _____.

20 **IT IS FURTHER ORDERED** that each party shall submit the information required in
21 NRS 125.130 on a separate form to the Court. Such information shall be maintained by the
22 Clerk in a confidential manner and not part of the public record.

23 DATED this _____ day of _____, 20____.

24 _____
25 DISTRICT COURT JUDGE

26 Respectfully Submitted By:

27 _____
28 (First Spouse's signature)

27 _____
28 (Second Spouse's signature)

(First Spouse's printed name)

(Second Spouse's printed name)

(Attach a filed copy of the Petitioner's Joint Petition for Divorce as Exhibit A)