

PETITION FOR
CUSTODY
DEFAULT

IMPORTANT

**THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE
ADVICE 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 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.

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 FURNISHINGS OF THIS MATERIAL.

GENERAL INFORMATION ABOUT FILING A DEFAULT

The forms must be typewritten or legibly handwritten in black ink.

There is no fee to file this document, so long as you have paid your fee with the initial filing of your documents.

There are facilities for copying your documents at the Court Clerk's office at the charge of **\$0.50 per page**. Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

Location of the Court Clerk's Office

The Court Clerk's Office for White Pine County is located on the first floor of the courthouse at 801 Clark Street, Suite 4, Ely, NV 89301 or call (775) 293-6509.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order or Decree for the Judge to sign, **it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.**

FILLING OUT THE DOCUMENTS

1. **For All Documents:** Fill in the spaces on lines 9 through 13 **exactly** as they appear in your other documents. This is the "heading" of your document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept No. are always the same.
2. **The Default Form:** **Once the other party is served with a copy of the Complaint or Petition, they have twenty (20) days after the date of service to respond. If they do not file within that time period, you may file this form and may be awarded all you asked for in your pleading. It is your responsibility to contact the Court Clerk to ensure a responsive pleading has not been filed.**
3. Complete the heading and Defendant's name. The Court Clerk will fill in the remaining information and sign the form.
4. **The Affidavit:** All of the information that appears in the Affidavit must be the same information as it appears in your original Complaint. If the information is not the same as in the original Complaint, the Court will not issue the Decree.
5. **This document must be signed in the presence of a Notary Public.**

6. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Service. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you for your file.
7. The Request for Submission: In order to submit a Motion, Request, Objection, Petition, or other original document to the court for consideration, a Request for Submission must be filed. The Court may not review the file unless this document is filed.
8. The Decree or Order: The information you fill in must be the same as the information that appears in your original Complaint or Petition. If the information is not the same, the Court will not grant the Decree or Order.
9. Complete all information, **but do not sign or date the document.**
10. Submit the original Decree or Order and two copies to the Court Clerk, who will give them to the Judge. If the Order or Decree is signed, a file-stamped copy will be mailed to you if you have provided a self-addressed, stamped envelope.

If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.

NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.

1 Case No. _____

2 Dept. No. _____

3 The undersigned hereby affirms that
4 this document does not contain the
5 social security number of any person.

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

10 _____,
11 Plaintiff

12 vs

DEFAULT

13 _____,
14 Defendant

15 _____ /

16 It appearing that _____, the Defendant,
17 (Defendant's name)

18 is in default for failure to plead or otherwise defend as required by law,

19 DEFAULT is entered against the Defendant this _____ day of _____,

20 _____.

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23 DATED: _____

24 CLERK OF THE COURT

25 By: _____
26 Deputy Clerk

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Case No.

Dept. No.

The undersigned hereby affirms that
this document does not contain the
social security number of any person.

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

Plaintiff,

v.

REQUEST FOR SUBMISSION

Defendant.

_____ /

I, _____, the _____ in this matter,
(Your name) (Plaintiff or Defendant)

request the _____ filed on _____
(Title of document you want submitted to the Court) (Date document filed)

in this case be submitted to the Judge for consideration and determination.

Date: _____

(Signature)

(Print Name)

(Address)

(Telephone number)

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4. The Defendant/Respondent has not communicated to me that they oppose my Complaint/Petition. Or I have served Notice of Intent to Take Default and the Defendant has not filed an Answer to other response with the Court.

5. The Defendant/Respondent is not in the active military service of the United States, is not under 18 years of age and is not an incompetent person.

6. I ask that my Complaint/Petition be granted to me by the Court.

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

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

DATE: _____

(Print Name)

(Signature)

(Address)

(Telephone number)

SUBSCRIBED and SWORN to before me

This ____ day of _____, _____.

NOTARY PUBLIC

1 Case No. _____

2 Dept. No. _____

3 The undersigned hereby affirms that
4 this document does not contain the
5 social security number of any person.

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

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IN AND FOR THE COUNTY OF WHITE PINE

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Plaintiff

12

vs

ORDER FOR CUSTODY

13

Defendant

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_____/_____

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It appears to the satisfaction of the Court, from the _____
(Name of Document filed)

17

_____, filed _____, and good cause appearing, the
(Date Filed)

18

Court hereby finds as follows:

19

20

1. That Plaintiff is now and has been an actual bona fide resident of White Pine County Nevada and has been actually domiciled therein for more than six weeks immediately preceding the commencement of this action;

21

22

23

2. That the name(s), and date(s) of birth of the parties' child(ren) are:

24

a. Name _____, date of birth _____;

25

b. Name _____, date of birth _____;

26

c. Name _____, date of birth _____;

27

d. Name _____, date of birth _____;

28

1 The child(ren) habitual state of resident is Nevada.

2 3. That the parties have never been married.

3 4. That paternity of the child(ren) listed in paragraph 2 is not an issue. Paternity has been
4 established by:

5 **CHECK ALL THAT APPLY**

6 A court order filed in the _____ court, case
7 number _____, on _____.

8 **AND/OR**

9
10 An affidavit of Paternity filed with the Office of Vital Statistics more than six months
11 immediately preceding the filing of this action. The Affidavit of Paternity was not revoked
12 within six months from the date it was filed.

13
14 **CHECK ONLY ONE BOX**

15 5.

16 That the parties are fit and proper person to be awarded joint legal custody of the minor
17 child(ren);

18 **OR**

19 That Plaintiff/ Defendant is a fit and proper person to be awarded sole legal
20 custody of the minor child(ren);

21 **CHECK ONLY ONE BOX**

22 6.

23 That the parties are fit and proper person to be awarded joint physical custody of the
24 minor child(ren). The parties should have visitation as set forth below;

25 **OR**

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That Plaintiff/ Defendant is a fit and proper person to be awarded primary physical custody of the minor child(ren). The parties should have visitation as set forth below.

OR

That Plaintiff/ Defendant is a fit and proper person to be awarded sole physical custody of the minor child(ren);

7. That Plaintiff/ Defendant should pay child support in the amount of \$ _____ per month;

CHECK ONLY ONE BOX

8.

That the amount of child support in paragraph 7 is in compliance with NRS 125B.070 and is 18% 25% 29% 31% of Plaintiff's/ Defendant's gross monthly income;

OR

That under the statutory formula, Plaintiff/ Defendant would be obligated to pay \$ _____ per month for child support. That amount should be changed because (please see NRS 125B.080 for the only reason that you can change the amount from the formula amount) _____

This amount of child support meets the child(ren)'s financial needs;

9. That Plaintiff/ Defendant should maintain medical and dental insurance for the minor child(ren) through his/ her employer, if available. Any deductible and expenses not covered by insurance should be paid equally by both parties.

Therefore, **IT IS HEREBY ORDERED** and **(CHECK ONLY ONE BOX)**

The parties are awarded joint legal custody of the minor child(ren).

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OR

Plaintiff Defendant is awarded sole legal custody of the minor child(ren).

IS IT FURTHER ORDERED that (CHECK ONLY ONE BOX)

The parties are awarded joint physical custody of the minor child(ren).

Plaintiff shall have visitation as follows: **(must specify days and times)** _____

_____.

Defendant shall have visitation as follows: _____

_____.

OR

That Plaintiff Defendant is awarded primary physical custody of the minor child(ren). Plaintiff/ Defendant shall have visitation as follows **(must specify days and times)** _____

_____.

OR

That Plaintiff Defendant is awarded sole physical custody of the minor child(ren).

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IT IS FURTHER ORDERED that holiday visitation, when in conflict with the above, will take precedence, and will be as follows: **(must specify days and times)**

For each of the holidays listed below, Plaintiff shall have visitation in the even-numbered years and Defendant will have visitation in the odd-number years.

- a. _____ from _____
Until _____
- b. _____ from _____
Until _____
- c. _____ from _____
Until _____
- d. _____ from _____
Until _____

For each of the holidays listed below, Defendant shall have visitation in the even-numbered years and Plaintiff will have visitation in the odd-number years.

- a. _____ from _____
Until _____
- b. _____ from _____
Until _____
- c. _____ from _____
Until _____
- d. _____ from _____
Until _____

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Plaintiff shall have visitation every year for the following holidays.

- a. _____ from _____
Until _____
- b. _____ from _____
Until _____
- c. _____ from _____
Until _____
- d. _____ from _____
Until _____

Defendant shall have visitation every year for the following holidays.

- e. _____ from _____
Until _____
- f. _____ from _____
Until _____
- g. _____ from _____
Until _____
- h. _____ from _____
Until _____

IT IS FURTHER ORDERED that Plaintiff/ Defendant will pay \$ _____
per month for child support.

IT IS FURTHER ORDERED that Plaintiff/ Defendant will maintain medical and
dental insurance for the minor child(ren) through his/ her employer, if available. Any
deductibles and expenses not covered by insurance will be paid equally by both parties.

1 **IT IS FURTHER ORDERED** that each party shall submit the information required in
2 NRS 125B.055 on a separate form to the Court and the Welfare Division of the Department of
3 Human Resources within ten days from the date this Decree is filed. Such information shall be
4 maintained by the Clerk in a confidential manner and not part of the public record. The parties
5 shall update the information filed with the Court and the Welfare Division of the Department of
6 Human Resources within ten days should any of that information become inaccurate.

7 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125.510(6):
8 **PENALTY FOR VIOLATION OF ORDER:** **THE ABDUCTION, CONCEALMENT OR**
9 **DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A**
10 **CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that**
11 **every person having a limited right of custody to a child or any parent having no right of**
12 **custody to the child who willfully detains, conceals or removes the child from a parent,**
13 **guardian or other person having lawful custody or a right of visitation of the child in**
14 **violation of an order of this court, or removes the child from the jurisdiction of the court**
15 **without the consent of either the court or all persons who have the right to custody or**
16 **visitation is subject to being punished for a category D felony as provided in NRS 193.130.**

17 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
18 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if
19 a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on
20 notice of the following provisions in NRS 125.510(8):

21 If a parent of the child lives in a foreign country or has significant commitments
22 in a foreign country:

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

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

NRS 125C.200 regarding relocation with minor children:

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If custody has been established and the custodial parent intends to move his residence to a place outside of this State and to take the child with him, he must, as soon as possible and before the planned move, attempt to obtain the written consent of the non-custodial parent to move the child from this State. If the non-custodial parent refuses to give that consent, the custodial parent shall, before he leaves the State with the child, petition the court for permission to move the child. The failure of a parent to comply with the provisions of this section may be considered a factor if a change of custody is requested by the non-custodial parent.

NOTICE IS HEREBY GIVEN that they are subject to the provisions of NRS 31A and 125.45 regarding the collection of delinquent child support payments.

NOTICE IS HEREBY GIVEN that either party may request a review of child support pursuant to NRS 125B.145.

Dated: this _____ day of _____, 20_____.

DISTRICT JUDGE