PETITION TO DOMESTICATE A FOREIGN DECREE/ ORDER

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.

Before filling in any portion of the following documents, read all the materials included in this packet regarding custody, visitation, child support and 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

GENERAL INFORMATION ABOUT FILING A PETITION TO DOMESTICATE A FOREIGN DECREE

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

There are facilities for copying your documents at the Court Clerk's office at the charge of **$.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 at 801 Clark Street, Suite 4, Ely, NV 89301, on the ground floor. The phone number is (775) 293-6509

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of 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 the 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. **NOTE: If Children Are Involved**—UCCJA stands for the Uniform Child Custody Jurisdictional Act. It is a Federal law which dictates the criteria that must be present in order for a Court to have jurisdiction to enter an order regarding custody and visitation of a minor child. **In order for a Court to enter a valid order regarding custody or visitation over a minor child, the child must be a resident of the State of Nevada and must have been physically present in the State for a period of six months prior to the filing of the Complaint or Petition.**

3. The Civil Cover Sheet: Leave the Case and Dept. No. blank, as this will be assigned when the document is filed. Fill in your name, address and phone number under Plaintiff. Fill in the information, if known, for Defendant. Check the appropriate box for the action you are filing. Then sign and date the form.

4. The Petition: Fill in completely all sections of the Petition. * Obtain a certified copy of the order you are seeking to register and attach it to your Petition as Exhibit A

5. The Affidavit in Support of the Petition: **This document must be signed in the presence of a Notary Public.**

6. The Acknowledgement and Verification: **This document must be signed in the presence of a Notary Public.**

7. The Summons: Print your name as the Plaintiff and the other party's name as the Defendant. Fill in purpose in the middle of the form –i.e. divorce, child custody, personal injury, etc. Print your name, address and telephone number in the space at the bottom of the Summons.

8. If there are other documents to be served along with the Petition, list those documents on the back (or second page) of the Summons on the lines under the hearing. **Do not fill in any other lines/information at this time. Leave all other spaces blank.**

9. Once all of the above documents have been completed, make two copies of each. Take the original **and copies** to the Court Clerk to be filed, together with the filing fee. The copies will be returned to you, for each of your files.

10. The Summons must be present to the Court Clerk to be "issued." When "issued," one of the Summons will have a raised stamp on it-this copy is what is termed the **Original Summons** and must be filed with the Court Clerk's office after service of the documents on the other party.

11. Serving the Documents: If the other party is a resident of another State and has never lived in the State of Nevada, and the marriage (in case of divorce) did not take place in Nevada, you must get permission from the Court to personally serve the Defendant outside the State. This is done through the supplemental packet entitled **Motion to Allow Out of State Service.**

12. Service on the other party, either in person or by publication, **MUST BE MADE** within ***one hundred twenty (120) days*** after the Complaint is filed and the Summons issued or the action may be dismissed by the Court.

13. By Personal Service: Staple the **copy** of the Summons to a copy of the ~~Complaint~~ Petition with Exhibits. If additional motions have been filed with the ~~Complaint~~ Petition, a copy of those must also be included. This is the packet of documents that must be personally served on the other party.

14. **Because you are a party to the action, you cannot serve the documents on the other party.** Service may be made:
    a. By the Civil Division of the Sheriff's Office in the county in which the other party lives or works
    b. By a responsible adult over the age of 18 years, such as a friend or relative.
    c. By a private process service.

15. The Sheriff's Office and private process service will charge a fee for service of the documents. Deliver the packet of documents together with the **original** Summons to the individual you have chosen from the above list.

16. After service is made on all parties, the second page of the **original** Summons must be completed and signed in the presence of a **Notary Public** by the individual who served the documents. If the Sheriff's Office completes service, it will complete the Summons and return it to the Court Clerk. If anyone else completes service, it is your responsibility to retrieve this document and file it with the Court. Clerk. Without proof of service on the other party, the Court cannot grant your Complaint. **It is your responsibility to keep track of the service of the documents, regardless of the method chosen**, including filing the completed Summons with the Court Clerk.

17. Service by Publication: If you do not know where the other party is, you will need to supplemental packet entitled **Motion to Allow Publication of Summons** in order to serve the other party by publishing the Summons in the newspaper.

18. 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.

19. After Service is Complete: **Nothing automatically happens in a case. It is your responsibility to keep the case moving. It is important to take immediate action if the other party files and serves any kind of document. There are very important time frames in which documents and pleadings must be filed. If those time frames are not met, you may be put at a great disadvantage. However, if an attorney is representing the other party, the attorney may take the lead and steer the procedure.**

20. If the Defendant Does NOT File an Answer Within 20 Days: You may fill out the appropriate **Default** packet and submit the documents to the Court for a final review and decision by the Judge. Without these documents, your action will not become final and will eventually be dismissed.

21. If the Defendant DOES File an Answer within 20 Days: You should receive a copy of the document by mail or personal service. If the Defendant does not have an attorney,

however, they may not send you a copy of the Answer. Therefore, it is important to check with the Court Clerk's Office to see if an Answer has been filed prior to filing any **Default** documents.

22. Request for Submission: In order to submit a Motion, Request, Objection, Petition, or other original documents to the court for consideration, a Request for Submission must be filed. The Court may not review the filed unless this document is filed. A Certificate of Service must be completed for the Request for Submission.

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.

If you are requesting that the Court waive the filing fee, the filing procedure is different than above. Complete the **Request for Waiver of Fees and Costs** packet and follow those directions.

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

vs

_____,

Defendant,

_____/

PETITION TO DOMESTICATE FOREIGN DECREE FOR ENFOREMENT AND/OR MODIFICATION

_____, acting in proper person, petitions this Court as
(Your name)
follows:

I.

_____, is a resident of _____, State of
(Your Name) (County in which you live)
_____, and has resided in that State since _____.
(State where you live) (date you moved)

II.

_____, is a resident of _____, State of
(Other party's Name) (County in which you live)
_____, and has resided in that State since _____.
(State where you live) (date you moved)
since _____.
(how long the other party has lived at their present address)

III.

A _____ was issued from
(title of Decree of Order to be domesticated)

_____ on
(The Court the Decree of Order was issued from and the location of the Court)

_____, case number _____, a copy of which is
(date Decree or Order was issued) (case number)

attached hereto as Exhibit A.

Said Decree/Order has been duly registered with the Clerk of the Court in _____ County, Registration Number _____, and a certified copy of the Decree/Order is on file therein.

The other party was notified of the registration by _____ on
(mail or personal service)

_____. (See Exhibit B)
(date of Notice)

IV.

There is/are _____ minor child(ren) for whom provisions were made within the Decree/Order. That/Those child(ren) is/are:

Name	Age	Date of Birth

The child(ren) reside(s) at _____, in the City
(address of the Child(ren)'s residence)

of _____, State of _____, and have resided at that
(City in which child(ren) reside) (State where child(ren) reside)

address for a period of _____ (years/month).

Prior to that, the children resided at _____, in the City
(address of the Child(ren)'s residence)

of _____, State of _____, and have resided at that
(City in which child(ren) reside) (State where child(ren) reside)

address for a period of _____ (years/months).

V.

It is requested that this Court domesticate the Decree/Order and assume jurisdiction over all matters within the Decree/Order for the purposes of _____
(enforcement or modification)

because:

Fully explain why you want this Court to enforce or modify the Decree/Order.

_____

_____

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I request that this Court enter an Order granting me the following:

List specifically and in detail only what you want the Court to order. At this point, do not explain why you want your changes ordered.

This Petition is made for the following reasons:

Fully explain why you believe you should be granted your request(s). Be specific and give details.

_____

_____

_____

_____

_____

_____

_____

(If more room is needed, you may attach additional sheets of paper. Be sure to write only on one side of any additional sheets of paper.

DATE: _____

_____
(Signature)

_____
(Print name)

_____
(Address)

_____

_____
(Telephone number)

AFFIDAVIT IN SUPPORT OF PETITION

STATE OF NEVADA)
) ss:
COUNTY OF _____)

I, _____, being first duly sworn, under penalties of perjury, state that I have read the Petition and the contents are true and correction of my own personal knowledge expect for those things that I have stated that are not of my own knowledge but that I only believe them to be true, and, as for those matters, I do believe they are true.

DATE: _____

_____
(Signature)

_____
(Print name)

_____
(Address)

_____

_____
(Telephone number)

SUBSCRIBED and SWORN to before me
This ____ day of _____, _____.

_____
NOTARY PUBLIC

VERIFICATION AND ACKNOWLEDGEMENT

STATE OF NEVADA)
) ss:
COUNTY OF _____)

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

I am the Plaintiff/Petitioner in the above-entitled action; that I have read the foregoing document and am competent to testify of its contents of my own knowledge and the contents are true of my own knowledge except for those matters stated therein on information and belief, and, as to those matters, I believe them to be true.

_____
(Signature)

SUBSCRIBED and SWORN to before me
This ____ day of _____, _____.

_____
NOTARY PUBLIC

STATE OF NEVADA)
) ss:
COUNTY OF _____)

On this _____ day of _____, _____, personally appeared before me, the undersigned, a Notary Public in and for the County of _____, State of Nevada, _____, personally known to me or proved to me, to be the person whose name is subscribed to the attached instrument who acknowledged to me that he/she did so freely and voluntarily and for the uses and purposes herein stated.

_____
NOTARY PUBLIC

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, _____ (Your name), the _____ (Plaintiff or Defendant) in this matter, request the _____ (Title of document you want submitted to the Court) filed on _____ (Date document filed) in this case be submitted to the Judge for consideration and determination.

Date: _____

_____
(Signature)

_____
(Print Name)

_____
(Address)

_____

_____
(Telephone number)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that they are 18 years of age or older, and on this date served a true and correct copy of the document/s entitled: _____

_____

(Clearly list all documents you served on the other party)

In the following way: ***(check the appropriate blank, and fill in the appropriate information)***

IF THE DOCUMENTS WERE SERVED BY MAIL:

_____ by placing a copy enclosed in a sealed envelope upon which first class postage was fully prepaid

_____ by placing a copy enclosed in a sealed envelope and mailing it certified, return receipt requested

The envelope was addressed to:

(Name) _____ at

(Address) _____

_____

And that there is regular communication by mail between the place of mailing and the place addressed.

IF THE DOCUMENTS WERE PERSONALLY SERVED:

_____ by personally serving:

(Name) _____ at

(Address) _____

_____

DATED: This ____ day of _____, _____.

_____

(Signature of person who performed service)

NOTICE OF REGISTRATION OF A FOREIGN DECREE/ ORDER

IMPORTANT

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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

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GENERAL INFORMATION ABOUT REGISTERING A FOREIGN DECREE

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

There will be a filing fee to file this document with the Court. The fee may change from time to time, and it is recommended that you contact the Court Clerk's office to check on the current fee prior to presenting the documents for filing.

IF you are indigent and cannot afford the filing fee, you may request the fee be waived by filing an Affidavit in Support of Motion to Proceed In Forma Pauperis. The Court will examine your financial status and determine whether a full or partial waiver can be granted, or if the request will be denied.

There are facilities for copying your documents at the Court Clerk's office at the charge of $.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 is located at 801 Clerk Street, Suite 4, Ely, NV 89301 on the ground floor. The phome number is 775-293-6509. Fax is 775-289-2544.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of 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. Complete the Notice of Registration and make *two* copies of the Notice.

2. Mail one copy of the Notice of Registration to the opposing party.

3. Prepare the Affidavit of Service and ***sign it before a Notary Public.***

4. Hold the original and one copy of both the Notice of Registration and the Affidavit of Service. You must wait 30 days before filing the Petition to Domesticate. During this time the other party may oppose the Registration of the Decree/order. If an Opposition is filed, you may return to the District Court to obtain the necessary forms to file a Reply.

5. After 30 days you may file the Petition to Domesticate. At this time you will include the original Notice of Registration and Affidavit of Service in your Petition as an exhibit.

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.

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

vs

_____,

Defendant

_____/

NOTICE OF REGISTRATION OF DECREE/ORDER FOR ENFORCEMENT AND/OR MODIFICATION
COURT REGISTER #_____

PLEASE TAKE NOTICE THAT the _____ (Name of Order/Decree); filed on _____ (date Decree/Order was filed) in the State of _____ (State where Decree/Order was issued), County of _____ (name of County), in _____ (name of Court where Decree/Order was issued), has been registered as a Foreign Decree/Order for modification and/or enforcement in the above entitled Court.

Registration Number is _____, and a certified copy of said Decree/Order is filed therein.

///

///

///

Any opposition to such registration must be formally filed within thirty (30) days.

Date: _____

_____
(Signature)

_____
(Print Name)

_____
(Address)

_____

_____
(Telephone number)

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.

_____,

Defendant.

_____/

AFFIDAVIT OF SERVICE

STATE OF _____)
)ss:
County of _____)

I, _____, do hereby swear under penalty of
(Name of person making service)

Perjury that the assertions of this affidavit are true.

1. That I am: (check the appropriate blank)

_____ a party in this action and am appearing in proper person.

_____ a person not involved in this action and have no interest in this action and an over the age of 18 years.

2. That on the _____ day of _____, _____, I served a true and
(date) (month) (year)

correct copy of the document/s entitled: _____
(Clearly list all documents you served on the other party)

_____

_____

_____

in the following way : (check the appropriate blank, and fill in the appropriate information)

IF THE DOCUMENTS WERE SERVED BY MAIL ON THE OTHER PARTY- OR THE OTHER PARTY'S LAWYER – FILL IN THE FOLLOWING:

_____ by placing a copy enclosed in a sealed envelope upon which first class postage was fully prepaid

_____ by placing a copy enclosed in a sealed envelope and mailing it certified, return receipt requested

The envelope was addressed to:

(Name) _____ at

(Address) _____

_____

IF THE DOCUMENTS WERE PERSONALLY SERVED ON THE OTHER PARTY- OR THE OTHER PARTY'S LAWYER –FILL IN THE FOLLOWING:

_____ by personally serving:

(Name) _____

(Address) _____

_____

Subscribed and Sworn to before me
This _____day of _____, _____.

_____
(print name)

_____
NOTARY PUBLIC

_____
(signature)