

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 TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CHURCHILL

8
9 _____
10 Plaintiff,

11 Vs.

12 _____
13 Defendant.

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**MOTION FOR ORDERS FOR
TEMPORARY CUSTODY,
VISITATION, CHILD SUPPORT,
SPOUSAL SUPPORT, AND/OR
EXCLUSIVE POSSESSION OF
RESIDENCE**

15 TO: Name of Opposing Party and Party's Attorney, if any, _____

16 PLEASE TAKE NOTICE THAT (Plaintiff/Defendant) _____ (the)
17 "Moving Party") has filed a Motion seeking orders for temporary custody, visitation, child
18 support, spousal support, and/or exclusive possession of your residence.
19

20 IF YOU OBJECT TO ANY OF THE RELIEF SOUGHT BY THIS MOTION, YOU ARE
21 REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF
22 THE COURT AND TO PROVIDE THE MOVING PARTY WITH A COPY OF YOUR
23 RESPONSE WITHIN 10 COURT DAYS OF THE SERVICE OF THIS MOTION. FAILURE TO
24 FILE A WRITTEN RESPONSE WITH THE CLERK OF COURT WITHIN 10 COURT DAYS
25 OF THE SERVICE OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING
26 GRANTED BY THE COURT WITHOUT YOU HAVING AN OPPORTUNITY TO BE
27 HEARD. (NOTE: IF SERVICE IS MADE BY MAIL, YOU HAVE AN ADDITIONAL 3 DAYS
28 TO FILE YOUR WRITTEN RESPONSE).

Submitted By: _____

(check one) Plaintiff / Defendant In Proper Person

MOTION

1 (Your name) _____, in Proper Person, moves this Court for an
2 Order granting temporary custody, visitation, child support, spousal support, and/or exclusive
3 possession of the marital residence.
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**POINTS AND AUTHORITIES
LEGAL ARGUMENT**

5
6 (you must check and comply with the box below)

7
8 I understand that I must file my Financial Disclosure Form to support my request for
9 temporary child support, temporary spousal support, and/or exclusive possession of the
10 marital residence, and that failure to file my Financial Disclosure Form may result in my
11 request being denied.

12 When determining physical custody of a child, the sole consideration of the court is the
13 best interest of the child. NRS 125C.0035(1). In accordance with NRS 125C.0035(4), in
14 determining the best interest of the child, the court must consider and set forth its specific findings
concerning, among other things:

- 15 (a) The wishes of the child if the child is of sufficient age and capacity to form an
16 intelligent preference as to his or her physical custody.
- 17 (b) Any nomination of a guardian for the child by a parent.
- 18 (c) Which parent is more likely to allow the child to have frequent associations and a
19 continuing relationship with the noncustodial parent.
- 20 (d) The level of conflict between the parents.
- 21 (e) The ability of the parents to cooperate to meet the needs of the child.
- 22 (f) The mental and physical health of the parents.
- 23 (g) The physical, developmental and emotional needs of the child.
- 24 (h) The nature of the relationship of the child with each parent.
- 25 (i) The ability of the child to maintain a relationship with any sibling.
- 26 (j) Any history of parental abuse or neglect of the child or a sibling of the child.
- 27 (k) Whether either parent or any other person seeking physical custody has engaged in an
28 act of domestic violence against the child, a parent of the child or any other person
residing with the child.

1 (1) Whether either parent or any other person seeking physical custody has committed any
2 act of abduction against the child or any other child.

3 There is a preference that joint physical custody would be in the best interest of the child
4 if: 1) the parents have so agreed; or 2) a parent has demonstrated, or attempted to demonstrate but
5 had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship
6 with the child. A court may award one parent primary physical custody if it determines that joint
7 physical custody is not in the best interest of the child. NRS 125C.0025.

8 The Court determines child support under NRS 125B.070 and NRS 125B.080.

9 In a pending divorce case, the court may order one spouse to pay temporary spousal support
10 to the other spouse. NRS 125.040. The court may also make orders affecting the property of the
11 parties, including awarding one spouse temporary exclusive possession of the community
12 residence. NRS 125.040.

13 **FACTS AND ARGUMENT**

14 1. **Number of Minor Children.** The parties have (*number*) _____ minor children in
15 common.

16 2. **Paternity.** (*check one*)

17 Paternity is not disputed.

18 Paternity needs to be determined. A DNA test is requested.

19
20 3. **Children's Residency.** The minor children's names, dates of birth, states and lengths
21 of residence are as follows:

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Child's Name:	Date of Birth	State of Residence:	How long child has lived in the state:	Disability

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The parties should have joint physical custody of the minor children with a timeshare as proposed in Exhibit 1.

Primary physical custody of the minor children should be granted to *(name of parent)* _____ with the other parent having visitation as proposed in Exhibit 1.

Sole physical custody of the minor children should be granted to *(name of parent)* _____.

7. Holiday Visitation.

The proposed holiday visitation schedule is attached as Exhibit 1. The holiday visitation schedule should control when in conflict with the regular visitation schedule.

8. Best Interest of the Children. The proposed temporary physical custody and visitation arrangements are in the children’s best interest because *(explain why your proposed custody and visitation order is in the children’s best interest, referencing any applicable NRS 125C.0035(4) best interest factors listed in the Legal Argument section above)*: _____

(Attach a supplement if more space is needed)

B. Request for Temporary Child Support

9. Public Assistance. (*check one*)

I have never received Temporary Assistance for Needy Families (TANF).

I am now or have received Temporary Assistance for Needy Families (TANF) in the past.

10. Child Support. (*check one*)

Child support is being handled through the District Attorney / Child Support Enforcement Office case (*insert case number*) _____ and should continue as ordered in that case.

Based on my proposed physical custody arrangement, (*name of parent who should pay child support*) _____ should pay (*amount*) \$_____ per month in child support.

Child support should be set at the statutory minimum of \$100/month per child.

Other (*explain how much child support should be ordered and how you came up with the amount of child support*): _____

C. Request for Temporary Spousal Support

Not Applicable (*check if not applicable and go to Section D*)

11. Spousal Support.

I am requesting temporary spousal support of (*amount*) \$_____ per month.

(*Complete the box below and all remaining subsections*)

My gross monthly income	\$
Spouse's gross monthly income	\$
My age	
Spouse's age	
Years married	

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a. Describe your work history, level of education, and any additional training/education you believe is necessary to obtain your employment goals. *(explain)* _____

b. I should be granted temporary spousal support because *(explain why you need spousal support. Be specific.)* _____

c. I believe my spouse is able to pay the requested support because *(explain)*

d. (*check all that apply*)

- I live with my spouse.
- My spouse and I are both paying the community debts (car payments, mortgage/rent, insurance, etc.).
- My spouse is paying the community debts.
- I am paying the community debts.

D. Request for Exclusive Possession of the Marital Residence

Not Applicable (check if not applicable and sign and date page 9)

12. Exclusive Possession. (check one)

I am requesting exclusive possession of the marital residence located at:

(address of the property) _____

The residence is	<input type="checkbox"/> owned / <input type="checkbox"/> rented / <input type="checkbox"/> leased / <input type="checkbox"/> in foreclosure
My gross monthly income	\$ _____
My spouse's gross monthly income	\$ _____

a. (check one)

- We are both living in the residence.
- I am living in the residence.
- My spouse is living in the residence.

b. (check one)

- There are no domestic violence issues.
- There are domestic violence issues between the parties. A TPO was issued on (date) _____ in case (TPO case number) _____.
- I do not have a TPO.

c. I believe it is easier for my spouse to find alternative housing because: (explain)

d. Other issues that affect my request for exclusive possession (list anything else that the judge should consider in deciding who should stay in the residence):

E. Other Relief

1 **13.** In addition to the relief requested above, I would like the Court to also order the
2 following: (*Explain anything else that you would like the judge to order, or enter "N/A"*
3 *if you do not want anything else. Be specific.*) _____
4 _____
5 _____
6 _____
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9
10 I respectfully ask the Court to grant me the relief requested above, including an award of
11 attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds
12 appropriate.

13 DATED _____, 20____.

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15 Submitted By: (*your signature*) _____
16 (*print your name*) _____
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**DECLARATION IN SUPPORT OF MOTION FOR TEMPORARY CUSTODY,
VISITATION, CHILD SUPPORT, SPOUSAL SUPPORT, AND/OR EXCLUSIVE
POSSESSION**

I declare, under penalty of perjury:

1. That I have personal knowledge of the facts contained in this Motion and in this Declaration and I am competent to testify to the same.
2. That the statements in this Motion and Declaration are true and correct to the best of my knowledge.
3. Additional facts to support my requests include: _____

4. I have attached the following Exhibit(s) to the Motion to support my requests. (*Describe exhibit or write N/A on any blank lines.*)
 - a. _____
 - b. _____
 - c. _____
 - d. _____

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

DATED _____, 20____.

Submitted By: (your signature) _____

(print your name) _____

Address: _____

City, State, Zip: _____