

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.

**MOTION FOR PERMISSION TO
RELOCATE WITH A MINOR CHILD**

14
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 permission to relocate to another state with a minor
18 child.

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

28 Submitted By: _____

(check one) Plaintiff / Defendant In Proper Person

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MOTION

(Your name) _____, (the "Moving Party"), in Proper Person, moves this Court for an Order granting permission to relocate to another state with a minor child.

**POINTS AND AUTHORITIES
LEGAL ARGUMENT**

A parent must obtain court permission or the other parent's written consent before relocating with a child outside of Nevada or to a place within Nevada that would substantially impair the other parent's ability to maintain a meaningful relationship with the child.

When a parent with joint physical custody of a child wishes to relocate with the child, the parent must also petition for primary physical custody for the purposes of relocating. NRS 125C.006; 125C0065. Pursuant to NRS 125C.0035(4), in determining the best interest of the child, the court must consider and set forth its specific findings concerning, among other things:

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

1 Whether or not the relocating parent has joint physical custody or primary physical
2 custody, the relocating parent must prove to the court that the parent has a sensible, good-faith
3 reason for the move that is not intended to deprive the other parent of his or her parenting time.
4 The relocating parent must also prove that the move would be in the best interest of the child, and
5 that the child and parent would both benefit from an actual advantage if allowed to move.

6 In considering the parent's request to relocate, the Court must weigh various factors,
7 including: 1) the motives of the relocating parent; 2) the motives of the non-relocating parent; 3)
8 the extent to which the relocation would improve the quality of life for the child and parent; 4)
9 whether the relocating parent will comply with substitute visitation orders; 5) whether there is a
10 realistic alternate visitation schedule that will adequately foster and preserve the relationship
11 between the child and the non-relocating parent; and 6) any other factor. NRS 125C.007.

12 **FACTS AND ARGUMENT**

13 **A. Request for Primary Physical Custody and to Relocate**

14 **1. I would like primary physical custody of the children with permission to move to**
15 *(write the city/town and state where you would like to move)* _____
16 _____

17 I intend to move on *(date you plan to move)* _____.

18
19 **2. The children's names and dates of birth are:**

20

21 Child's Name:	Date of Birth
22	
23	
24	
25	

3. **The current physical custody order is:** (*check one*)

The court has already awarded me primary physical custody or sole physical custody through the order dated (*date of order*) _____.

I do not have primary / sole physical custody of the children. The current order gives me (*check one*) joint physical custody / visitation / there is no custody order.

It is in the best interest of the children to award me primary physical custody of the minor children because: (*Explain why you should have primary custody, referencing any applicable NRS 125C.0035(4) best interest factors listed in the Legal Argument section above*): _____

If the other parent has primary physical custody, explain any substantial changes in circumstances affecting the children since the last custody order: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4. **My proposed move is in good faith. I have a good reason for the move, and I am not moving to deprive the other parent of contact with the child. (Explain why you want to move** _____

5. **The proposed move is in the best interest of the children. (Explain why moving would be best for the children)** _____

6. **The children and I would benefit from the move in the following ways: (Explain)**

7. **The proposed move is likely to improve the quality of life for my children and myself. (Explain. Include information about where you would live, where you would work, the school and surroundings for the children)** _____

Attach any exhibits to show how the move will improve the quality of life.

1 **8. I asked permission to relocate with the minor children but the other parent**
2 **refused.** *(Explain when and how you asked the other parent for permission to move)*

3 _____
4 _____
5 _____

6 **9. The other parent will not agree to the relocation because:** *(Describe your*
7 *understanding of why the other parent will not agree to the move):* _____

8 _____
9 _____
10 _____

11 **10. If I am allowed to move with the children, I propose the following visitation**
12 **schedule:** *(Describe what visitation schedule you are proposing, and explain why the*
13 *visitation schedule provides adequate substitute visitation)* _____

14 _____
15 _____
16 _____
17 _____
18 _____
19 _____

20 **The estimated cost for visitation is: \$_____ per round trip.**

21 **This cost should be paid by:** *(name)* _____

22 **11. If the move is allowed, I will comply with all substitute visitation orders.** *(Give any*
23 *information about whether you have previously complied with visitation orders)*

24 _____
25 _____
26 _____

B. Request to Set or Modify Child Support

I understand that I must file my Financial Declaration Form to support my request to modify child support and that failure to file my Financial Disclosure Form may result in my request being denied.

12. Child Support. (*check one*)

- Child support should not be changed. (*STOP. Go to Section C.*)
- There is no child support order. Child support needs to be set.
- Child support should be changed. (*Name of person currently ordered to pay child support*) _____ currently pays (*amount*) \$_____ per month in child support. This should be changed: (*check one*)
 - Because of the change in custody I am requesting.
 - Because it has been more than three years since child support was last entered.
 - Because the gross monthly income of the person paying child support has changed by more than 20% since the last child support order was entered.

It is in the best interest of the child to change child support because (*explain*):

13. Parties' Income.

My gross monthly income is (*insert amount*): \$_____ / OR unknown.

The other parent's gross monthly income is (*insert amount*): \$_____ / OR unknown.

1 **14. Amount Requested.** (*check one*) Child support should be set so that (*name of*
2 *person who should pay child support*) _____ pays: (*check one*)

3 \$_____ per month in child support.

4 The statutory minimum of \$100 per month, per child.

5 I'm not sure how much child support should be paid. The judge should set child
6 support.

7 Other (*explain how much child support should be ordered and why*): _____

8 _____

9 _____

10 _____

11 **C. Other Relief**

12 In addition to the relief requested above, I would like the Court to also order the following:
13 (*Explain anything else that you would like the judge to order, or enter "N/A" if you do not want*
14 *anything else. Be specific.*) _____

15 _____

16 _____

17 _____

18 _____

19 _____

20
21 I respectfully ask the Court to grant me the relief above, including an award of attorney's
22 fees if I am able to retain an attorney for this matter, and any other relief the Court finds
23 appropriate.

24
25 DATED _____, 20_____.

26
27 Submitted By: (*your signature*) _____

28 (*print your name*) _____

**DECLARATION IN SUPPORT OF MOTION FOR PERMISSION TO RELOCATE
WITH A MINOR CHILD**

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: _____