

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 _____
11 Plaintiff,

12 Vs.

13 _____
14 Defendant.

**OPPOSITION TO MOTION FOR
PERMISSION TO RELOCATE WITH
A MINOR CHILD AND
COUNTERMOTION**

15 (*Your name*) _____, in Proper Person, files this
16 Opposition and Countermotion to the motion for permission to relocate with a minor child.

17
18 **I. POINTS AND AUTHORITIES**

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

22 When a parent with joint physical custody of a child wishes to relocate with the child, the
23 parent must also petition for primary physical custody for the purposes of relocating. NRS
24 125C.006; 125C0065. Pursuant to NRS 125C.0035(4), in determining the best interest of the child,
25 the Court must consider and set forth its specific findings concerning, among other things:

- 26 (a) The wishes of the child if the child is of sufficient age and capacity to form an
27 intelligent preference as to his or her physical custody.
28

- 1 (b) Any nomination of a guardian for the child by a parent.
- 2 (c) Which parent is more likely to allow the child to have frequent associations and
- 3 a continuing relationship with the noncustodial parent.
- 4 (d) The level of conflict between the parents.
- 5 (e) The ability of the parents to cooperate to meet the needs of the child.
- 6 (f) The mental and physical health of the parents.
- 7 (g) The physical, developmental and emotional needs of the child.
- 8 (h) The nature of the relationship of the child with each parent.
- 9 (i) The ability of the child to maintain a relationship with any sibling.
- 10 (j) Any history of parental abuse or neglect of the child or a sibling of the child.
- 11 (k) Whether either parent or any other person seeking physical custody has engaged
- 12 in an act of domestic violence against the child, a parent of the child or any
- 13 other person residing with the child.
- 14 (l) Whether either parent or any other person seeking physical custody has
- 15 committed any act of abduction against the child or any other child.

16 Whether or not the relocating parent has joint physical custody or primary physical

17 custody, the relocating parent must prove to the Court that the parent has a sensible, good-faith

18 reason for the move that is not intended to deprive the other parent of his or her parenting time.

19 The relocating parent must also prove that the move would be in the best interest of the child, and

20 that the child and parent would both benefit from an actual advantage if allowed to move.

21 In considering the parent's request to relocate, the Court must weigh various factors,

22 including: 1) the motives of the relocating parent; 2) the motives of the non-relocating parent; 3)

23 the extent to which the relocation would improve the quality of life for the child and parent; 4)

24 whether the relocating parent will comply with substitute visitation orders; 5) whether there is a

25 realistic alternate visitation schedule that will adequately foster and preserve the relationship

26 between the child and the non-relocating parent; and 6) any other factor. NRS 125C.007.

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FACTS AND ARGUMENT

A. Opposition & Countermotion Regarding Physical Custody

1. The children's names and dates of birth are:

Child's Name:	Date of Birth

2. Custody. (*check one*)

I do not want to change the current court order regarding physical custody. (*STOP. Go to Section B.*)

I should be awarded (*check one*) joint physical custody / primary physical custody of the children. This is in the best interest of the child(ren) because (*explain why it is in the children's best interest to modify the current court order, referencing any applicable NRS 125C.0035(4) best interest factors listed in the Legal Argument section above*): _____

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

3 _____
4 _____
5 _____
6 _____
7 _____

8 **B. Opposition to Request to Relocate**

9
10 **3. I do not want the other parent to relocate with the children because:** (*check all*
11 *that apply*)

12 The other parent did not ask my permission to relocate with the minor child(ren).

13 The other parent did ask my permission to relocate with the children, but I did not
14 agree because (*Explain why you will not agree to the move*): _____

15 _____
16 _____
17 _____
18 _____

19 I do not believe that the proposed move is in the best interests of the child because
20 (*explain why moving would not be best for the children*): _____

21 _____
22 _____
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I do not believe the other parent has a good reason for the move because (*explain*):

I believe the other parent wants to move in order to interfere with my visitation with the children because (*explain*):

The move would not improve the quality of life for the children or the other parent because (*explain*):

If the other parent moves with the child(ren), there is no realistic visitation schedule that will preserve my relationship with the child(ren) because (*explain*):

If the other parent moves with the child(ren), I do not believe the other parent will comply with the new visitation orders because (*explain*):

1 Other (*Explain any other reason you do not want the other parent to move with*
2 *the child(ren)*): _____

3 _____
4 _____
5 _____
6 _____

7
8 **C. Opposition & Countermotion to Request to Set or Modify Child Support**

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

10 I understand that I must file my Financial Disclosure Form to support my opposition
11 or request to modify child support and that failure to file my Financial Disclosure Form
12 may result in my opposition or request being denied.

13 **4. Child Support.** (*check all that apply*).

14 I agree to the other parent's request regarding child support. (*STOP. Go to Section*
15 *D*).

16 I disagree with the other parent's request regarding child support because (*explain*)

17 _____
18 _____
19 _____

20 I would like child support changed (*check all that apply*):

21 Because of the change in custody I am requesting.

22 Because it has been more than three years since child support was last entered.

23 Because the gross monthly income of the person paying child support has
24 changed by more than 20% since the last child support order was entered.

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

26 _____
27 _____
28 _____

1 **5. Parties' Income.**

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

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

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

7 \$_____ per month in child support.

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

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

11 Other (*explain how much child support should be ordered and why*): _____
12 _____
13 _____
14 _____

15 **D. Other Relief**

16 In addition to the relief requested above, I would like the Court to also order the following (*explain*
17 *anything else that you would like the Judge to order, or enter "N/A" if you do not want anything*
18 *else; be specific*): _____
19 _____
20 _____
21 _____
22 _____

23 I respectfully ask the Court to deny the opposing party's motion and grant me the relief requested
24 above, including an award of attorney's fees if I am able to retain an attorney for this matter, and
25 any other relief the Court finds appropriate.

26 DATED _____, 20_____.

27 Submitted By: (*your signature*) _____

28 (*print your name*) _____

1 **DECLARATION IN SUPPORT OF OPPOSITION FOR PERMISSION TO RELOCATE**
2 **WITH A MINOR CHILD AND COUNTERMOTION**

3
4 I declare, under penalty of perjury:

- 5 1. That I have personal knowledge of the facts contained in this Opposition & Countermotion
6 and in this Declaration and I am competent to testify to the same.
7 2. That the statements in this Opposition & Countermotion and Declaration are true and
8 correct to the best of my knowledge.
9 3. Additional facts to support my requests include: _____

10 _____
11 _____
12 _____
13 _____
14 _____

- 15 4. I have attached the following Exhibit(s) to the Opposition & Countermotion to support my
16 requests. (*Describe exhibit or write N/A on any blank lines.*)

- 17 a. _____
18 b. _____
19 c. _____
20 d. _____

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

23
24 DATED _____, 20_____.

25
26 Submitted By: (*your signature*) _____

27 (*print your name*) _____

28 Mailing Address: _____

City State Zip Code: _____