

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.

**COMPLAINT FOR DIVORCE AND
UCCJEA DECLARATION
(With Children)**

14
15 Plaintiff (*your name*) _____ respectfully states:

16 **1. Residency.** (*Name of spouse who is a Nevada resident*) _____

17 has been a resident of the State of Nevada for at least six weeks prior to filing this
18 Complaint for Divorce and intends to make Nevada his/her home for an indefinite period
19 of time.

20
21 **2. Marriage.** The parties were married on (*date*) _____ in (*city*)
22 _____, (*state*) _____. The parties are incompatible.

23
24 **3. Pregnancy.** (*check one*)

25 Neither spouse is pregnant.

26 One spouse is pregnant. The following spouse is pregnant: (*name of pregnant*
27 *spouse*) _____.

28 The other spouse is / is not the
parent of the unborn child. The child is due to be born on (*due date*)
_____.

1 **4. Children.** There are (*number*) _____ minor children in common born to or
 2 adopted by the parties. The children’s names and information are listed below:

3 Child’s Name	Date of Birth	Age
4		
5		
6		
7		

8
 9 **5. UCCJEA Declaration.** (*check one*)

10 The children have lived in Nevada for the past six months or since birth. Nevada
 11 is the children’s “home state.”

12 The children have NOT lived in Nevada for the past six months or since birth.
 13 Nevada is not the children’s “home state.”

14
 15 **a. Living Arrangements Last 5 Years.** The children have lived with the following
 16 people in the following places within the last five years:

17 Time Period (mo/yr – mo/yr)	Name of Person the Children Lived With	City and State	Child’s Name (if not all children)
18 _____ - present			
19 _____ - _____			
20 _____ - _____			
21 _____ - _____			
22 _____ - _____			

23 The names and current addresses of each non-parent the children lived with during the last
 24 five years are: _____
 25 _____
 26 _____
 27 _____
 28 _____

1 **b. Participation in Other Cases:** (*check one*)

2 I have / have not participated as a party or witness or in some other capacity in any
3 other case involving the children. If you have, provide all specifics including the state, the
4 court, children involved, the case number and the date of the child custody order, if any:

5 _____
6 _____

7 **c. Knowledge of Other Cases:** (*check one*)

8 I do / do not know of a different case that could affect the current case. If you do,
9 provide all specifics including the state, the court, parties involved, the case number and
10 the nature of the proceeding: _____

11 _____
12 _____

13 **d. Person(s) Who Claim Custody / Visitation:** (*check one*)

14 I do / do not know of anyone other than the parents who has physical custody of the
15 children or who claims custody/visitation rights to the children. If you do, list names and
16 addresses of anyone who claims custody/visitation rights:

17 _____
18 _____

19 **6. Legal Custody.** *Legal custody refers to the ability to access information and make*
20 *major decisions about the children, such as medical care, education, and religious*
21 *upbringing.* (*check one*)

22 The parties should share joint legal custody of the children.

23 Plaintiff should have sole legal custody of the children.

24 Defendant should have sole legal custody of the children.

25 Nevada is not the “home state” of the children, and the Court generally cannot
26 enter custody orders.

27

28

1 **7. Physical Custody.** *Physical custody refers to the amount of time the children spend*
2 *with each parent. (check one)*

3 The parties should share joint physical custody of the children (*each parent must*
4 *have the children roughly 40% of the time, or 146 days per year*). A proposed parenting
5 timeshare and holiday schedule is attached as Exhibit 1.

6 The (check one) Plaintiff / Defendant should have primary physical
7 custody of the children. A proposed parenting timeshare and holiday schedule is
8 attached as Exhibit 1.

9 Nevada is not the “home state” of the children, and the Court generally cannot
10 enter custody orders.

11 **8. Public Assistance.** (check one)

12 None of the parties in this case have ever received state assistance or welfare.

13 State assistance or welfare has been or is being provided to parties in this case.

14
15 **9. Child Support.** *Complete the attached Child Support Worksheet that applies to your*
16 *custody arrangement before you complete this section. (check one)*

17 Child support should be paid by, (*name of parent who should pay child support*)
18 _____ in the amount of (*amount*) \$ _____ per month in
19 child support. This is based on: (check one)

20 The statutory minimum of \$100/month per child.

21 The calculation from the attached Child Support Worksheet.

22 The amount already established by the District Attorney / Child Support
23 Enforcement office, case (*insert case number*) _____.

24 No child support is requested. (*Explain why not*): _____

25 _____.

1 **10. Child Support Arrears.** *A maximum of four years' worth of child support arrears may*
2 *be requested. The court may award some, none or all that is requested.*

3 (*check one*)

4 No back child support or arrears are requested.

5 Child support arrears are being handled by the District Attorney / Child Support
6 Enforcement office, case (*insert case number*) _____ and should
7 continue as ordered in that case.

8 Back child support should be paid by (*name of parent who should pay back child*
9 *support*) _____ from (*date back child support*
10 *should begin*) _____ to present.

11 **11. Wage Withholding.** (*check one*)

12 A wage withholding order should be entered to secure payment of any support
13 owed.

14 A wage withholding order should NOT be entered.

15 **12. Health Insurance.** (*check all that apply*)

16 Both parties should provide future health insurance for the minor children if
17 available.

18 Future health insurance for the minor children should be provided by (*name of*
19 *parent*) _____ if available.

20 **13. Unreimbursed Medical Expenses.** (*check one*)

21 Any expenses not covered by insurance should be paid equally by both parties.

22 Any expenses not covered by insurance should be paid by (*name of parent*)
23 _____ due to the following extraordinary circumstances:
24 (*explain*) _____
25 _____
26 _____
27 _____
28 _____

1 **14. Child Tax Deduction.** (*check one*)

2 Plaintiff should claim the following children as dependents for tax purposes every
3 year: (*insert children's names*): _____.

4 Defendant should claim the following children as dependents for tax purposes
5 every year: (*insert children's names*): _____.

6 The tax deduction should alternate, with Plaintiff claiming the children in
7 (*check one*) even / odd years, and Defendant claiming the children the other
8 years.

9 The tax deduction should be allocated per federal law.

10 **Community Property:**

11 Community property includes but is not limited to: checking, savings, and other investment
12 accounts, real property / houses, vehicles, pensions, 401(k)s, deferred compensation, IRAs,
13 and personal property. Make sure the list of property below is complete.

14 **15. Community Property.** (*check one*)

15 There is no community property to divide.

16 Any community property has already been divided.

17 I do not know the full extent of the community property.

18 The community property should be divided as follows:

19 **Plaintiff:**

20 1. _____

21 2. _____

22 3. _____

23 4. _____

24 5. _____

Defendant:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Attach additional sheets if more property needs to be listed.

Community Debt:

Community debt includes but is not limited to: mortgages, car loans, credit cards & tax debt. The division of debt does not affect creditors' rights to collect the debt. The parties may be required to restructure the debts per creditors' requirements.

16. Community Debt. (☒ check one)

- There is no community debt to divide.
- Any community debt has already been divided.
- I do not know the full extent of the community debt.
- The community debt should be divided as follows:

Plaintiff:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Defendant:

- 1. _____
- 2. _____
- 3. _____
- 4. _____
- 5. _____

Attach additional sheets if more debts need to be listed.

1 **17. Alimony.** (*check one*)

2 No spousal support is requested.

3 Plaintiff should pay \$ _____ per month in spousal support for the next
4 (*number*) _____ years.

5 Defendant should pay \$ _____ per month in spousal support for the next
6 (*number*) _____ years.

7 **18. Name Change.** (*check one*)

8 Plaintiff does not request a name change.

9 Plaintiff would like his/her former name of (*insert name*) _____
10 restored.

11 **Plaintiff request:**

- 12
- 13 1. That the marriage existing between Plaintiff and Defendant be dissolved and
 - 14 that Plaintiff be granted an absolute Decree of Divorce and that each of the
 - 15 parties be restored to the status of a single, unmarried person;
 - 16 2. That the Court grant the relief requested in this Complaint; and
 - 17 3. For such other relief as the Court finds to be just and proper.
- 18

19

20 DATED this (*day*) _____ day of (*month*) _____, 20_____.

21 Submitted By: (*your signature*) _____

22 (*print your name*) _____

23

24

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VERIFICATION

Under penalty of perjury, I declare that I am the Plaintiff in the above-entitled action; that I have read the foregoing Complaint and know the contents thereof; that the pleading is true of my own knowledge, except for those matters therein contained stated upon information and belief, and that as to those matters, I believe them to be true.

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

DATED this (*day*) _____ day of (*month*) _____, 20____.

Submitted By: (*your signature*) _____
(*print your name*) _____

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9
10 _____
11 Plaintiff,

12 Vs.

13 _____
14 Defendant.

SUMMONS

15 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU**
16 **WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN WRITING WITHIN 20**
17 **DAYS. READ THE INFORMATION BELOW VERY CAREFULLY.**

18 To the Defendant named above:

19 A civil complaint or petition has been filed by the Plaintiff against you for the relief as set
20 forth in that document (see the complaint or petition). The object of this action: (*check one*)

- 21 Divorce
22 Annulment
23 Legal Separation
24 Custody, Paternity, Visitation, and/or Child Support
25 Other: _____
26
27
28

1 If you intend to defend this lawsuit, within 20 days after this summons is served on you
2 (not counting the day of service), you must:

- 3 1. File with the Clerk of Court a formal written answer to the complaint or petition.
- 4 2. Pay the required filing fee to the court, or file an Application to Proceed *In Forma*
5 *Pauperis* and request a waiver of the filing fee.
- 6 3. Serve a copy of your answer upon the Plaintiff whose name and address is shown
7 below.

8 If you fail to respond, the Plaintiff can request your default. The court can then enter a
9 judgment against you for the relief demanded in the complaint or petition.
10

11 SUE SEVON
12 CLERK OF COURT

13 By: _____
14 Deputy Clerk Date

15
16 Issued on Behalf of Plaintiff:

17
18 Plaintiff's Name: _____

19 Address: _____

20 City, State, Zip: _____

21
22 **Information and forms to assist you are available, free of charge,**
23 **at the Tenth Judicial District Court's website located at**
24 **www.churchillcourts.org.**
25

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8

9
10 _____
11 Petitioner/Plaintiff

12 And/Vs.

13 _____
14 Petitioner/Defendant.

AFFIDAVIT OF RESIDENT WITNESS

15 I, (*resident witness' name*) _____, swear under
16 penalty of perjury that the following statements are true and correct.

17
18 1. I am over the age of eighteen (18) and competent to testify of my own knowledge to
19 the following.

20
21 2. I have lived in the State of Nevada for (*number*) _____ years and currently
22 live at (*street, city, state*) _____.
23 I intend to live in the State of Nevada for the foreseeable future.

24
25 3. To my personal knowledge, (*name of spouse whose residency is being established*)
26 _____ lives at (*street, city, state*) _____

27 and has been physically living within the State of Nevada on a daily basis for at least
28 six (6) weeks prior to the filing of this action.

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4. To my personal knowledge, (*name of spouse whose residency is being established*) _____ has physically lived in the State of Nevada since (*date*) _____.

5. I see the named party an average of (*number*) _____ times per week.

6. I know the named party because (*explain how you know the spouse*) _____

_____.

7. I know of my own personal knowledge that (*name of person whose residency is being established*) _____ is a bona fide resident of the State of Nevada.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on (*date*) _____.

(*Signature*) _____
(*Printed Name*) _____

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8

9
10 _____
11 Plaintiff,

12 Vs.

13 _____
14 Defendant.

REQUEST FOR SUBMISSION

15 (check one) Plaintiff / Defendant requests that the (name of document you
16 submitted to the court) _____, filed on
17 (date document was filed) _____ be submitted to the Court for decision.
18

19
20 DATED this _____ day of _____, 20____.

21 Submitted By: (Signature) _____

22 Printed Name: _____
23
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8

9
10 _____
11 Plaintiff,

12 Vs.

13 _____
14 Defendant.

DECREE OF DIVORCE

15 This Decree was submitted (*check one*) after a hearing without a hearing before
16 the above-entitled court, and after a review of the pleadings and papers on file and the testimony
17 given, if any, this Court finds as follows:
18

- 19 1. That Plaintiff or Defendant is now and has been an actual bona fide resident of the State
20 of Nevada and has been actually domiciled in the State of Nevada for more than six
21 weeks immediately prior to the commencement of this action.
22
23 2. That Plaintiff and Defendant were married on (*date*) _____
24 in the city of _____, State of _____ and
25 have since remained married. The parties have become, and continue to be,
26 incompatible in marriage, and no reconciliation is possible.
27
28

1 **3. Pregnancy.** (*check one*)

2 Neither spouse is pregnant.

3 The following spouse is pregnant: (*name of pregnant spouse*)

4 _____ . The other spouse is / is not the parent
5 of the unborn child. The child is due to be born on (*due date*)
6 _____ .

7
8 **4. Children.** That Plaintiff and Defendant have (*number*) _____ minor children in
9 common who are either biological or adopted. The names and dates of birth are:

10

Child's Name	Date of Birth

11
12
13
14
15

16 **5. Child Residency.** (*check one*)

17 The children are residents of Nevada and have lived here for at least the past 6
18 months. Nevada is the habitual residence of the child, and this Court has the necessary
19 UCCJEA jurisdiction to enter orders regarding custody and visitation.

20 The children are not residents of Nevada or have not lived here for at least the past
21 6 months. The children live in (*state*) _____ which is the habitual
22 residence of the child, and this Court does not have the necessary UCCJEA jurisdiction
23 to enter orders regarding custody and visitation.

24
25 **6.** That any custody and visitation orders made herein are in the best interest of the
26 children.

1 7. The amount of child support ordered herein is in compliance with NRS 125B.070 or it
2 meets the children's financial needs and is based upon the deviation factors enumerated
3 in NRS 125B.080.

4 8. That this Court has complete jurisdiction to enter this Decree and the orders regarding
5 the distribution of assets and debts.

6 9. That the Plaintiff or Defendant should be granted a Decree of Divorce for the reasons
7 set forth in the Complaint or Counterclaim.

8 10. That any other necessary findings of fact are attached and incorporated herein.

9
10
11 **NOW THEREFORE, IT IS HEREBY ORDERED** that the bonds of matrimony now
12 existing between the parties are hereby wholly dissolved, and an absolute Decree of Divorce is
13 hereby granted to the parties, and each of the parties are hereby restored to the status of a single,
14 unmarried person.

15
16 **IT IS FURTHER ORDERED** that (*check one*)

- 17 The parties are granted joint legal custody of the minor children.
18 The Plaintiff is granted sole legal custody of the minor children.
19 The Defendant is granted sole legal custody of the minor children.
20 Nevada is not the home state of the children and does not have jurisdiction.

21
22 **IT IS FURTHER ORDERED** that (*check on*)

23 The parties shall share joint physical custody of the minor children. The parties shall
24 exercise a regular and/or holiday timeshare as outlined in Exhibit 1 which is incorporated
25 herein.

- 26 Primary physical custody of the minor children shall be awarded to (*check one*)
27 Plaintiff / Defendant. The parties shall exercise a regular and/or holiday
28 timeshare as outlined in Exhibit 1 which is incorporated herein.

Nevada is not the home state of the children and does not have jurisdiction.

1 **IT IS FURTHER ORDERED** that (*check one*)

2 Child support shall be paid by (*name of parent who will pay child support*)
3 _____ in the amount of (*amount*) \$ _____ per
4 month. This is based on: (*check one*)

5 The statutory minimum of \$100/month per child.

6 The statutory calculation pursuant to NRS Chapter 125B.

7 The deviation factors enumerated in NRS 125B.080.

8 The amount already established by the District Attorney / Child Support
9 Enforcement Office, case (*insert case number*) _____.

10 Neither party shall pay child support.

11
12 **IT IS FURTHER ORDERED** that (*check one*)

13 No child support arrearages exist or the entitled custodial parent waived his/her right
14 to child support arrearages.

15 Child support arrears are being handled by the District Attorney / Child Support
16 Enforcement Office, case (*insert case number*) _____ and shall
17 continue as ordered in that case.

18 Back child support shall be paid by (*name of parent who will pay back child support*)
19 _____ in the total amount of
20 \$ _____, which amount is reduced to judgment. The obligor is ordered to make
21 monthly payments towards the arrearages in the amount of \$ _____ per month
22 until paid in full.

23 **IT IS FURTHER ORDERED** that (*check one*)

24 A wage withholding shall issue against the obligor parent to secure payment of child
25 support and spousal support, if any.

26 Good cause exists to postpone the withholding if income from the obligor parent to
27 pay child support and spousal support, if any.
28

1 **IT IS FURTHER ORDERED** that (*check one*)

2 Both parties shall maintain future health insurance for the minor children, if available.

3 Future health insurance for the minor children shall be provided by (*name of parent*)
4 _____ if available.

5
6 **IT IS FURTHER ORDERED** that (*check one*)

7 Any medical expenses not covered by insurance shall be paid equally by both parties.

8 Any medical expenses not covered by insurance shall be paid by (*name of parent*)
9 _____ due to the following extraordinary
10 circumstances (*explain*): _____.

11
12 **IT IS FURTHER ORDERED** that (*check one*)

13 The Plaintiff shall claim the following children as dependents for tax purposes every
14 year: (*insert children's names*): _____.

15 The Defendant shall claim the following children as dependents for tax purposes every
16 year: (*insert children's names*): _____.

17 The tax deduction shall alternate, with Plaintiff claiming the children in (*check one*)
18 even / odd years, and Defendant claiming the children the other years.

19 The tax deduction shall be allocated per federal law.

20
21 **THE COURT FINDS AND THEREFORE ORDERS** that (*check one*)

22 There is no community property to divide or the property has already been divided.

23 There is community property which shall be equally divided as follows:

24 **To Plaintiff:**

25 1. _____

26 2. _____

27 3. _____

28 4. _____

5. _____

1 **To Defendant:**

- 2 1. _____
- 3 2. _____
- 4 3. _____
- 5 4. _____
- 6 5. _____

7 **THE COURT FINDS AND THEREFORE ORDERS** that (*check one*)

- 8 There is no community debt to divide or the debt has already been divided.
- 9 There are community debts which shall be divided as follows:

10 **To Plaintiff:**

- 11 1. _____
- 12 2. _____
- 13 3. _____
- 14 4. _____
- 15 5. _____

16 **To Defendant:**

- 17 1. _____
- 18 2. _____
- 19 3. _____
- 20 4. _____
- 21 5. _____

22 **THE COURT FINDS AND THEREFORE ORDERS** that (*check one*)

- 23 There is no spousal support awarded.
- 24 The Plaintiff shall pay \$_____ per month in spousal support for (*number*)
- 25 _____ years. This amount is just and equitable.
- 26 The Defendant shall pay \$_____ per month in spousal support for (*number*)
- 27 _____ years. This amount is just and equitable.

1 **IT IS FURTHER ORDERED** that (*check all that apply*)

2 Neither spouse changed their name or neither spouse wishes to have a former or
3 maiden name restored.

4 The name of (*spouse's married name*) _____
5 should be restored to his / her former or maiden name of (*write full name the spouse*
6 *wants to go back to*) _____.

7 The name of (*spouse's married name*) _____
8 should be restored to his / her former or maiden name of (*write full name the spouse*
9 *wants to go back to*) _____.

10
11 **IT IS FURTHER ORDERED** that each party shall submit the information required in
12 NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the Welfare
13 Division of the Department of Human Resources within ten days from the date this Decree is filed.
14 Such information shall be maintained by the Clerk in a confidential manner and not part of the
15 public record. The parties shall update the information filed with the Court and the Welfare
16 Division of the Department of Human Resources within ten days should any of that information
17 become inaccurate.

18 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6):

19 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
20 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
21 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that
22 every person having a limited right of custody to a child or any parent having no right of
23 custody to the child who willfully detains, conceals or removes the child from a parent,
24 guardian or other person having lawful custody or a right of visitation of the child in
25 violation of an order of this court, or removes the child from the jurisdiction of the court
26 without the consent of either the court or all persons who have the right to custody or
27 visitation is subject to being punished for a category D felony as provided in NRS 193.130.

28 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if
a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on
notice of the following provision of NRS 125C.0045(8):

1 If a parent of the child lives in a foreign country or has significant commitments in a foreign
2 country:

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

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

14 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation requirements
15 of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established
16 pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her
17 residence to a place outside of this State or to a place within this State that is at such a distance
18 that would substantially impair the ability of the other parent to maintain a meaningful relationship
19 with the child, and the relocating parent desires to take the child with him or her, the relocating
20 parent shall, before relocating: (a) Attempt to obtain the written consent of the non-relocating
21 parent to relocate with the child; and (b) If the non-relocating parent refuses to give that consent,
22 petition the court for permission to move and/or for primary physical custody for the purpose of
23 relocating. A parent who desires to relocate with a child has the burden of proving that relocating
24 with the child is in the best interest of the child. The court may award reasonable attorney's fees
25 and costs to the relocating parent if the court finds that the non-relocating parent refused to consent
26 to the relocating parent's relocation with the child out having reasonable grounds for such refusal,
27 or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant
28 to this section without the written consent of the other parent or the permission of the court is
subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that the parties are subject to the provisions of NRS 31A
and 125.450 regarding the collection of delinquent child support payments.

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

DATED this (*day*) _____ day of (*month*) _____, 20_____.

DISTRICT COURT JUDGE

Respectfully submitted:

By: _____	By: _____
<i>(Plaintiff's signature)</i>	<i>(Defendant's signature)</i>
(Name) _____	(Name) _____
(Address) _____	(Address) _____
_____	_____
(Telephone) _____	(Telephone) _____