

**PATERNITY
CUSTODY
VISITATION
CHILD SUPPORT**

IS NEVADA THE RIGHT PLACE FOR MY CASE?

Nevada can make paternity or custody orders if Nevada is the “home state” of the child. Usually, this means that the child must live in Nevada for six months prior to filing the case. There are some exceptions. If the child has not been in Nevada for six months, legal advice is strongly recommended.

HOW IS PATERNITY ESTABLISHED?

When a man and a woman are married and have a child, the man is presumed to be the father. When the couple is not married, paternity must be established through one of these ways:

Voluntary Acknowledgment of Paternity

If parents agree that the man is the father of the child, they can sign a Declaration of Paternity. The declaration is usually completed at the hospital at the time of birth. If it was not, the parents can complete the form together in person at the Southern Nevada Health District if the child was born in Nevada. For more information visit www.southernnevadahealthdistrict.org.

District Attorney Family Support Division


The District Attorney Family Support Division can file an action to establish paternity and child support at no cost to either party. For more information search Clark County Child Support Division.

Complaint to Establish Paternity

Parents can file their own Complaint to Establish Paternity. The complaint addresses paternity and can also request custody, visitation, and child support orders if needed. The judge can determine paternity based on DNA testing or other statutory presumptions. The forms to establish paternity are at www.familylawselfhelpcenter.org

HOW DOES THE COURT DECIDE CHILD CUSTODY?

The court will award two different types of custody: legal custody and physical custody. By law, parents have joint legal custody and joint physical custody, unless the court orders otherwise.



Legal custody refers to the basic legal responsibility for a child and the power to make major decisions that affect the child such as decisions about healthcare, religion, and education. A court will grant a parent either joint or sole legal custody. There is a statutory preference for granting parents joint legal custody.

Physical custody refers to the amount of time the child spends with each parent. There are three different types of physical custody a court can award.

Joint Physical Custody

Joint physical custody generally exists when each parent has the child at least 40% of the time. There is a preference to grant parents joint physical custody.

Primary Physical Custody

If one parent has the child more than 60% of the time, that parent is usually considered to be the primary physical custodian. The other parent will have visitation.

Sole Physical Custody

Sole physical custody is when one parent has the child most of the time. The other parent may have some or no visitation.

When parents cannot agree on physical custody, the court refers them to the Family Mediation Center to negotiate their own custody agreement. If the parents still cannot agree, the court will decide custody based on the best interest of the child.

HOW DOES THE COURT DETERMINE THE BEST INTEREST OF THE CHILD?

If the parents cannot reach a custody agreement at mediation, the court will decide custody based on the best interest of the child. When determining the best interest of the child, the court will consider the following factors:

- The wishes of the child if the child is of sufficient age and capacity;
- Nomination by a parent or guardian;
- Which parent is likely to allow the child to have frequent associations with the noncustodial parent;
- The level of conflict between the parents;
- The ability of the parents to cooperate to meet the child's needs;
- The mental and physical health of the parents;
- The physical, developmental, and emotional needs of the child;
- The nature of the relationship of the child with each parent;
- The ability of the child to maintain a relationship with any sibling of the child;
- History of parental abuse or neglect of the child or a sibling;
- Whether a parent has committed an act of domestic violence against the child, parent of the child, or person residing with the child, and
- Whether the parent committed an act of abduction against the child or a sibling.

If one parent has abducted the child or committed domestic violence against the other parent or child, a rebuttable presumption is created that sole or joint custody by the perpetrator is not in the child's best interest.

HOW IS CHILD SUPPORT SET?

Child support is set based on the number of children, which parent has physical custody, and the parents' incomes. You can estimate the amount of child support that would be ordered with an interactive online calculator at <https://nvchildsupportguidelinescalculator.azurewebsites.net/>

Generally, if one parent has primary physical custody, the noncustodial parent pays child support based on a percentage of their gross monthly income. If the noncustodial parent earns \$6,000 or less per month, the parent typically pays:

- 16% of income for 1 child
- 22% of income for 2 children
- 26% of income for 3 children
- For each additional child, an extra 2%

If the noncustodial parent's income is 150% or less of federal poverty guidelines, the court can set child support at a lower percentage. If the noncustodial parent earns more than \$6,000 per month, there are additional percentages added to the child support amounts above.

For parents who share joint physical custody, the court calculates both parents' incomes based on the guidelines above, then subtracts the lower amount from the higher amount. The parent with the higher income pays the difference.

The court can also adjust child support up or down based on the specific needs of the child and the economic circumstances of the parties.

WHAT ABOUT CHILD CARE AND INSURANCE?

The court will consider any child care costs and insurance costs and who pays those costs. The court will enter an order equitably dividing those costs between the parents.

HOW LONG DOES CHILD SUPPORT LAST?

Child support lasts until the child reaches 18 years of age, or 19 if the child is still enrolled in high school.

WHERE CAN I GET HELP WITH CHILD SUPPORT?

The District Attorney Family Support Division can help parents with child support issues. You can find information about their services by using an internet search tool for "Clark County Child Support Division". You can also sign up for a free Ask-A-Lawyer class to meet with a child support attorney by calling 702-455-1505.

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WILL THE CHILD'S LAST NAME CHANGE?

Establishing paternity does not automatically entitle a parent to change the child's name. If the parents originally agreed on the child's name, the court will only change the name if a parent proves by clear and compelling evidence that the substantial welfare of the child requires the name change. If a parent did not agree to the name chosen at birth, the parent has to show that a name change would be in the child's best interest.

The court will consider many factors, including how long the child has used the current name, the parent's motivations for the name change, and the potential impact of a name change on the child.

CAN CHILD SUPPORT BE CHANGED?

A child support order can be changed:

- At either parent's request every three years;
- If the parent paying child support has had a change in income of 20% or more; or
- When a child turns 18 (or 19 if still in high school).

Child support is only changed by getting a new court order. Unwritten agreements are not enforceable. The parents can agree to the changes in writing by filing a Stipulation and Order with the court, or either parent can file a motion to ask the court to make changes. Information and free forms about changing child support are available at www.familylawselfhelpcenter.org.



Providing civil legal advice and representation
to low-income Nevadans

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