**DECD**

ATTORNEY INFORMATION

Attorneys for Plaintiff

*In Conjunction with Legal Aid Center of Southern Nevada Pro Bono Project*

DISTRICT COURT

CLARK COUNTY, NEVADA

PLAINTIFF NAME )

)

Plaintiff, ) Case No.: CASE NO.

)

vs. ) Dept. No.: DEPT. NO.

)

DEFENDANT NAME, )

)

Defendant. )

)

**DECREE OF DIVORCE**

This cause coming on for a summary disposition before the above-entitled Court and after reviewing the pleadings and papers on file, the Court hereby enters this **DECREE OF DIVORCE** as follows:

That the Court has complete jurisdiction in the premises, both as to the subject matter thereof as well as the parties hereto, that Plaintiff is now and has been an actual bona fide resident of Clark County, Nevada and has been actually domiciled therein for more than six (6) weeks immediately preceding the commencement of this action and that the parties were married on the \_\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_\_ in \_\_\_\_\_\_\_, \_\_\_\_\_\_\_. There are two (2) minor children who are either the issue of this marriage or have been adopted by the parties and Plaintiff is not currently pregnant. Nevada is the habitual state of residence of the children. The names and dates of birth of the minor children are: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born November 16, 1997; and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born June 13, 1999.

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the bonds of matrimony now and heretofore existing between the parties are hereby wholly dissolved, set aside and forever held for naught and an absolute Decree of Divorce is hereby granted to the parties and each of the parties are hereby restored to the status of a single, unmarried person.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties shall be awarded JOINT LEGAL CUSTODY of the minor children, to wit: \_\_\_\_\_\_\_\_\_\_\_\_

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the \_\_\_\_\_\_\_\_\_\_\_ shall be awarded PRIMARY PHYSICAL CUSTODY of the minor children, to wit: \_\_\_\_\_\_\_

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall be granted permission to relocate from the State of Nevada to the State of \_\_\_\_\_\_\_\_.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant’s visitation shall be as follows: \_\_\_\_\_

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the holiday visitation, when in conflict with the \_\_\_weekly/monthly, etc.\_\_\_\_\_ visitation, shall take precedence and shall be as follows:

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that \_\_\_\_\_\_\_\_\_\_ shall pay child support in the amount of $\_\_\_\_\_\_\_ per month beginning \_\_\_\_\_\_\_\_\_\_\_. This amount is \_\_\_\_% of \_\_\_\_\_\_\_\_\_\_\_\_\_\_’s gross monthly and is in compliance with NRS 125B.070. Pursuant to NRS 125.510, this amount shall continue until the minor child reaches 18 years of age if no longer in high school, or if the child is still enrolled in high school, when the child reaches 19 years of age or becomes emancipated or otherwise self supporting.

OR

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that \_\_\_\_\_\_\_\_\_\_’s child support obligation shall be the statutory minimum of $100.00 per month per child for a total of $\_\_\_\_\_ per month. This amount is in compliance with NRS 125B.070. Pursuant to NRS 125.510, this amount shall continue until the minor child reaches 18 years of age if no longer in high school, or if the child is still enrolled in high school, when the child reaches 19 years of age or becomes emancipated or otherwise self supporting.

**(Optional)**

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that a wage assignment for child support may be issued pursuant to NRS 31A.250 and NRS 125.450, to attach any sums that may be earned by Defendant to satisfy Defendant’s child support obligations.

***(Arrears if applicable)***

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that \_\_\_\_\_\_\_\_\_\_ shall pay child support from \_\_\_\_\_\_\_\_\_\_, 20\_\_, the date the parties’ separated *(or date set by Court, etc)* through the present and continuing, pursuant to NRS 125B.050 and that this amount shall be reduced to judgment collectable by any lawful means. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s child support arrears are $\_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

OR

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that \_\_\_\_\_\_\_\_\_\_\_\_\_\_ pay child support from \_\_\_\_\_\_\_\_\_, 20\_\_\_, based on the four year statutory period pursuant to NRS 125B.030 and 125B.040, through the present and continuing, pursuant to NRS 125B.050 and that this amount be reduced to judgment collectable by any lawful means. As of end of \_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_’s child support arrears are $\_\_\_\_\_\_\_\_\_\_\_\_.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff/Defendant shall maintain medical and dental insurance for the minor children, if available. Any unreimbursed medical, dental, optical, orthodontic or other health related expenses incurred for the benefit of the minor children is to be divided equally between the parties. Either party incurring an out-of-pocket expense shall provide a copy of the invoice/receipt to the other party within thirty (30) days of incurring such expense. If the paid invoice/receipt is not tendered within the thirty (30) day period, the Court may consider it as a waiver of reimbursement by the incurring party. The other party will then have thirty (30) days within which to dispute the expenses or reimburse the incurring party for one-half of the out-of-pocket expenses. If not disputed or paid within the thirty (30) day period, the party may be subject to a finding of contempt and appropriate sanctions.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there is community property to be adjudicated by the Court.

The following community property shall be awarded to Plaintiff as Plaintiff’s sole and separate property:

a.

The following community property should be awarded to Defendant has Defendant’s sole and separate property:

aa.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there are community debts to be adjudicated by the Court.

The following debts shall be Plaintiff’s sole and separate property:

a.

The following debts should be Defendant’s sole and separate property:

aa.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall be allowed to remain in exclusive possession of the house and real property located at \_\_\_\_\_\_\_\_\_\_\_\_\_, which was acquired and purchased by the parties during the marriage, until it is sold. In the event Defendant fails or refuses to sign the quitclaim deed for the sale of the home, The Clerk of the Court is directed to sign the quitclaim deed. Further, Plaintiff shall be awarded all furnishings within the home.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff shall be awarded one-half (1/2) of the community interest in and to Defendant’s Pension, whether a single Plan or multiple Plans. The community share is determined by multiplying the benefits by a fraction, the numerator of which is the number of months Defendant was employed during which the parties were married and the denominator of which is the total number of months of time and service the Defendant was employed, pursuant to Gemma v. Gemma, 105 Nev. 458, 778 P.2d 429 (1989). This Court shall retain jurisdiction to determine the exact amount of benefits involved, if necessary. This Court shall also retain jurisdiction to issue a separate Qualified Domestic Relations Order, if such is required. That Defendant shall pay half/total costs of preparation of a Qualified Domestic Relations Order or equivalent in order to facilitate enforcement of Plaintiff’s community interest in the retirement savings of the Defendant. OR That each party shall retain their respective interests in their own pensions whether a single Plan or multiple Plans as their sole and separate property.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that neither party shall be awarded spousal support. OR that the Plaintiff shall be awarded spousal support in the amount of \_\_\_\_\_\_\_\_\_\_ for \_\_\_\_\_years/months.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff never changed her name and may continue to use the name \_\_\_\_\_\_\_\_\_\_\_. **OR** that Plaintiff may have her former or maiden name of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ restored to her. **OR** that Plaintiff shall not have her former or maiden name restored to her and may continue to use the surname \_\_\_\_\_\_\_.

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

**STATUTORY PROVISIONS:**

**NOTICE IS HEREBY GIVEN** of the following provision of NRS 125.510(6)

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

**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 provisions of NRS 125.510(8):

If a parent of the child lives in a foreign country or has significant commitments in a foreign country; (a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

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

**NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.200:

If custody has been established and the custodial parent intends to move his residence to a place outside of this state and to take the child with him, he must, as soon as possible and before the planned move, attempt to obtain the written consent of the noncustodial parent to move the child from this state. If the noncustodial parent refuses to give that consent, the custodial parent, shall before he leaves this state with the child, petition the court for permission to move the child. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.

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

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

**NOTICE IS HEREBY GIVEN** that Defendant shall attend the mandatory transparenting program or obtain a court ordered waiver within thirty (30) days of entry of the divorce decree.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all **NOTICE PROVISIONS** contained in this Decree of Divorce are hereby made orders of the Court and this Court retains jurisdiction to enforce the Orders contained herein and for all purposes relative to the custody and support of the child(ren).

DATED this DATE day of MONTH, YEAR.

**BY THE COURT**:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DISTRICT COURT JUDGE**

Respectfully Submitted:

**LEGAL AID CENTER OF**

**SOUTHERN NEVADA, INC.**

By \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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