

INSTRUCTIONS FOR DEFAULT FOR DIVORCE

WITH CHILDREN

*****IMPORTANT DISCLOSURE*****

THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE ADVICE OF A PRIVATE ATTORNEY

Private Counsel is Always Recommended for Legal Matters

The law allows any person to represent themselves in a legal action. However, filing and action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, the Rules of Civil Procedure for the Nevada District Courts, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet including the definitions of terms.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE SIXTH JUDICIAL DISTRICT COURT AND HUMBOLDT COUNTY CLERK'S OFFICE, AND THEIR EMPLOYEES SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.

GENERAL INFORMATION ON FILLING OUT THE FORMS

The packets are designed for you to fill in the blanks. Do not leave any empty spaces. If there are spaces that do not apply to your case or your set of circumstances, print "not applicable" or "N/A" in the space.

Use blue ink. Other colors of ink may not be accepted by the filing clerk or the Court.

PRINT NEATLY. If the pleadings cannot be easily read, they may not be accepted by the filing clerk and they will not be accepted by the Court.

The Court will not accept any documents with white out or other correction fluid/tape on them. Simple mistakes may be corrected by drawing a line through the mistaken information and initialing over the line. Be sure to keep the document pages in order.

READ ALL THE INSTRUCTIONS ABOUT YOUR PARTICULAR PACKET AND REVIEW THE DOCUMENTS CAREFULLY BEFORE YOU START TO FILL IN THE SPACES. This cannot be emphasized strongly enough. An incorrect notation may have a negative effect on your case and delay the process.

I. Explanation of Divorce by Default

- A. You may only obtain a Divorce by Default if, after filing your Complaint for Divorce, your spouse did not file a formal response. Even though your spouse may not have responded to the Complaint, you are still able to move forward with the divorce.
- B. This packet should contain the following documents:
1. Affidavit in Support of Default Divorce
 2. Default
 3. Request for Submission
 4. Notice of Entry of Decree of Divorce
 5. Findings of Fact, Conclusions of Law, and Decree of Divorce (Default With Children)
 6. Proof of Service by Mail

II. STEP ONE: Preparing Your Paperwork: Instructions for Filling-Out Forms.

- A. Affidavit in Support of Default Divorce
1. Nevada law requires a submission of Affidavit in Support of Default Divorce in order to proceed by Default for your divorce. Fill in your name, address, and phone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party's name on the line for Defendant. Leave the "Case No." and "Dept. No" blank. When you file documents with the filing clerk, a case number and department number will be assigned.
 2. The Affidavit in Support of Default Divorce uses a fill-in-the-blank format and will tell you what information you need to put into the blanks. Get the form notarized once you complete it and file it with the Clerk's Office.
- B. Default
1. The Clerk will issue a Default if it is clear from the date of filing from your initial Complaint for Divorce that enough time has lapsed for the Defendant to file a formal response. Fill in your name, address, and phone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party's name on the line for Defendant. Leave the "Case No." and "Dept. No" blank. When you file documents with the filing clerk, a case number and department number will be assigned and the Clerk will "issue" the default, if applicable.

C. Request for Submission

1. This is the form that will submit your case to the Judge for review. Fill in your name, address, and phone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party's name on the line for Defendant. Leave the "Case No." and "Dept. No" blank. When you file documents with the filing clerk, a case number and department number will be assigned.
2. Fill in any remaining spaces with the information requested. Sign and date the form.

D. Findings of Fact, Conclusions of Law, and Decree of Divorce with With Children

1. The Decree of Divorce is the document the judge signs that grants the divorce. **You are not divorced until the Decree of Divorce has been signed by the judge and filed at the Clerk's Office.**
2. Fill in your name, address, and phone number in the upper left hand corner. Print your name on one line for Plaintiff (Spouse 1) and the other party's name on the other line for Defendant (Spouse 2) in the same arrangement you chose for the previous paperwork. Leave the "Case No." and "Dept. No" blank. When you file documents with the filing clerk, a case number and department number will be assigned.
3. Fill in any remaining spaces with the information requested. **Be sure to initial the applicable lines.**
4. Sign and fill in your name, address, and phone number on the final page of the document in order to submit it to the Court.

E. Notice of Entry of Decree of Divorce

1. This is the form that will inform the other party of the final decree and also serve to execute the judgment. Fill in your name, address, and phone number in the upper left hand corner. Print your name on the line for Plaintiff and the other party's name on the line for Defendant. Leave the "Case No." and "Dept. No" blank. When you file documents with the filing clerk, a case number and department number will be assigned.
2. Sign and fill in your name, address, and phone number on the final page of the document in order to submit it to the Court. The remaining information will be filled in once the final Decree has been signed, and then it can also be filed with the Clerk's Office.

III. STEP TWO: File the Documents with the Clerk's Office.

- A. Make copies of the following documents from your packet:
 - 1. (2) additional copies of the Findings of Fact, Conclusions of Law, and Decree of Divorce (with or without children)
 - 2. (2) additional copies of Notice of Entry of Decree of Divorce
- B. Take or mail all of the completed documents with you to the Clerk's Office located at:

Humboldt County Courthouse

50 W. 5th St. Room 207

Winnemucca, NV 89445

C. The Clerk will submit the original and two copies of the Decree of Divorce and the original and two copies of the Notice of Entry of Decree of Divorce.

IV. STEP THREE: The Court's Review of the Paperwork.

A. The judge's staff will review your paperwork. If it is approved, the judge will sign the Decree. If you need to make some corrections, you will be informed of how to make those corrections.

B. If the judge signed the Decree of Divorce, the Clerk's Office will automatically file the Decree. Once the file stamp from the Clerk's Office is on your Decree, you are divorced. If your paperwork needs correction, you will need to follow the instructions from the judge's office, complete and file the new document. Once the Decree is filed, you will be informed and can pick up your final copy in the Clerk's Office.

V. STEP FOUR: Serve the Decree on the Opposing Party.

A. As a general rule, you must give the other party a copy of any document that you filed with the Court. If that party is represented by an attorney, you must give the documents to the attorney instead of the other party. The way of giving the documents to the other party (or attorney) is called "service of process" or "service." For this packet, you will need to serve the Decree of Divorce on the other party.

1. Any document that is "served" must be mailed or delivered by someone who is not related to you by blood or marriage and who is over 18 years old. This person is called a "third party."

B. There are several ways of serving the other party. However, this packet contains a "Proof of Service by Mail." This is the most common method of serving a Decree of Divorce. If you prefer to use another method, please reference the Roadmap to Divorce, Step 3 for more guidance.

1. If the other party **does not have an attorney**, the third party should mail the documents to the other side's last known address (the address you listed in the "Proof of Service by Mail")

2. If the other party **has an attorney**, the third party should mail the documents to the attorney at the attorney's place of business.

VI. STEP FIVE: File the Proof of Service by Mail.

A. Once service is completed by the third party, have them fill out the "Proof of Service by Mail."

B. Once the “Proof of Service by Mail” form is filled out, then file it with the Clerk’s Office.