**ORDER**

ATTORNEY INFORMATION

Attorney 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, ) Date of Hearing: DATE

) Time of Hearing: TIME

Defendant. )

)

**CUSTODY ORDER AND PICK UP ORDER**

This cause coming on for hearing before the above-entitled Court on DATE, on a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (type of hearing); Plaintiff, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was present in proper person **OR** and represented by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Defendant, \_\_\_\_\_\_\_\_\_\_\_\_, was present in proper person **OR** and represented by counsel, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

After reviewing the pleadings and papers on file, jurisdiction and residency having been established, the Court hereby finds 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.

Now therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the paternity of CHILD NAME, born CHILD BIRTHDATE,is established and Defendant, DEFENDANT NAME, is found to be the father of the minor child. That Paternity of the minor child, to wit: CHILD NAME, born BIRTHDATE, is not at issue. Paternity was established by Defendant being listed as the father on the child’s birth certificate and an Affidavit of Paternity that was filed with the Office of Vital Statistics more than six (6) months immediately preceding the filing of this action. The Affidavit of Paternity was not revoked within six (6) months from the date it was filed.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the minor child, CHILD NAME, born DATE, shall be returned to Plaintiff’s custody immediately, by and from any and all persons having physical care and custody of the child, including the Defendant, DEFENDANT NAME, subject to and conditioned upon the release and vacating of all emergency or other court orders for temporary custody, custody, restraining order(s) or guardianship of the subject minor child, CHILD NAME.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** thatany and all law enforcement personnel, of Nevada or any other jurisdiction, including METRO, be authorized and directed to assist Plaintiff in obtaining physical custody of the minor child and her belongings, clothing and personal effects, and in the return of the child to Nevada.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall be awarded SOLE LEGAL CUSTODY of the minor child, to wit: CHILD NAME, born CHILD BIRTHDATE.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiff shall be awarded SOLE PHYSICAL CUSTODY of the minor child, to wit:CHILD NAME, born CHILD BIRTHDATE.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall have no visitation, including holiday visitation, with the child until such time as he obtains an order from this Court for such visits.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall pay child support in the amount of DOLLAR AMOUNT per month as and for child support which is believed to be 18% of Defendant’s gross monthly income. 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. This amount is 18% of Defendant’s gross monthly income or the minimum required by law and is in compliance with NRS 125B.070.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there shall be a wage assignment for child support 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.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Defendant shall pay child support from SEPARATION DATE, the date the parties separated through the present and continuing, pursuant to NRS 125B.050 and that this amount shall be reduced to judgment. Through the end of MONTH, YEAR, Defendant’s child support arrears are DOLLAR AMOUNT. Defendant shall pay DOLLAR AMOUNT per month towards the arrears so that his monthly child support obligation is DOLLAR AMOUNT.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that PLAINTIFF AND/OR 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 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.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that all **NOTICE PROVISIONS** contained in this Custody Order 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.

DATED this DATE day of MONTH, YEAR.

**BY THE COURT**:

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

**DISTRICT COURT JUDGE**

Respectfully Submitted:

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

ATTORNEY INFORMATION

Attorneys for Plaintiff

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