**DECD**

**ATTORNEY NAME**

Nevada Bar No.: #

**LAW FIRM/LEGAL AID/OTHER**

ADDRESS

CITY, STATE, ZIP CODE

PHONE NUMBER

EMAIL

Attorney(s) for Plaintiff/Defendant

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

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

PLAINTIFF NAME, )

Plaintiff, ) Case No.:

)

vs. ) Dept. No:

)

DEFENDANT NAME, ) Date of Hearing:

)

Defendant. ) Time of Hearing:

)

**CUSTODY DECREE**

This cause coming on for (*hearing or summary disposition*) \_\_\_\_\_\_\_\_\_\_\_ before the above-entitled Court. (*If there was a hearing*) The Plaintiff/Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was present and represented by (*attorney name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq. of (*law firm/legal aid/other*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and Plaintiff/Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was present and represented by (*attorney name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq. of (*law firm/legal aid/other*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. After reviewing the pleadings and papers on file, and based upon the testimony given, the Court hereby finds as follow and enters this **CUSTODY DECREE**:

The Court has complete jurisdiction in the premises, both as to the subject matter thereof as well as the parties hereto. Plaintiff/Defendant is now and has been an actual bona fide resident of Clark County, Nevada and has been actually physically domiciled therein for more than six (6) weeks prior to the filing of this action. The parties have (*number*) \_\_\_\_\_\_\_ minor child(ren) in common, to wit: (*name(s*)) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born (*birth date*) \_\_\_\_\_\_\_\_\_\_\_\_ (*add more if needed*). Plaintiff/Defendant is/is not currently pregnant. Paternity of (*child name*) \_\_\_\_\_\_\_\_\_\_\_\_\_, born (*birth date*) \_\_\_\_\_\_\_\_\_\_\_\_\_, is established and Plaintiff/Defendant (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_ is found to be the father of the minor child. The habitual state of residence of the minor child(ren) has been the state of Nevada. (*If jurisdiction is contested, state that Nevada is not the home state of the children and therefore, Nevada does not have jurisdiction*).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the minor child, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, born (*date*) \_\_\_\_\_\_\_\_\_\_, shall be returned to Plaintiff/Defendant’s custody immediately, by and from any and all persons having physical care and custody of the child, including the Plaintiff/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 minor child, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (*If applicable*).

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

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff/Defendant (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ or the parties, is/are awarded (*sole/joint*) \_\_\_\_\_\_\_\_\_\_ legal custody of the minor child(ren).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff/Defendant shall have/parties shall share (*sole/primary/joint*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ physical custody of the minor child(ren).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiff /Defendant shall be granted permission/denied permission to relocate from the State of Nevada to the State of \_\_\_\_\_\_\_\_\_\_\_. (*Only if applicable*).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the parties shall exercise the following parenting time with the children (*describe timeshare, or attach parenting plan as an exhibit if one was reached through mediation*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. **OR** that Plaintiff/Defendant shall not be awarded visitation **OR** that Plaintiff/Defendant shall have visitation at the sole discretion of Plaintiff/Defendant. This is in the best interest of the child because (*describe any factors from NRS 125C.0035 that apply*).

**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: (*proposed holiday schedule*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. (*may need multiple provisions/paragraphs if the holiday schedule is complex or nuanced*).

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that child support is set in accordance with the child support guidelines in NAC 425. Plaintiff’s gross monthly income is $\_\_\_\_\_\_\_ and Defendant’s gross monthly income is $\_\_\_\_\_\_\_\_. Plaintiff/Defendant is obligated to pay $\_\_\_\_\_\_ per month in child support under the current child support guidelines. Plaintiff/Defendant shall pay the amount above **OR** $\_\_\_\_\_\_\_\_ per month, based on the following adjustments pursuant to NAC 425.150 (*describe any basis for adjusting the standard amount*). Child support shall be due on the \_\_\_\_\_\_\_\_\_ day of each month. (*check NAC 425 for any special language or correct percentages that may apply: the standard is 16% for one child; 22% for two children; 26% for three children; an addition 2% for each additional child*. *If a parent is low income or earns more than $6,000/mo., the calculation is different. A child support calculator is here:* <https://nvchildsupportguidelinescalculator.azurewebsites.net/getobligation.aspx>

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that no child support arrearages exist **OR** the entitled custodial parent waived his/her right to child support arrearages **OR** Child support arrearages are being handled by the District Attorney, Family Support Division, case (*insert case number*) R\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and shall continue as ordered in that case. **OR** Back child support shall be paid by (*name of parent who will pay back child support*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in the total amount of $\_\_\_\_\_\_\_\_\_\_, which amount is reduced to judgment.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there is an immediate wage assignment for child support to attach any sums that may be earned by Plaintiff/Defendant, (*name*)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to satisfy Plaintiff’s/Defendant’s child support obligations.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that there are no child care costs for either parent **OR** the monthly child care costs for the child(ren) are: $\_\_\_\_\_\_\_\_\_ which will be paid by Plaintiff /Defendant /both parents equally.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** thatmedical support for the child(ren) shall be provided through Medicaid **OR** Private / Employer insurance. The monthly premium should be paid by Plaintiff /Defendant /both parents equally.

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

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the Plaintiff/Defendant, (*name*) \_\_\_\_\_\_\_\_\_\_\_\_\_ shall claim the following children as dependents for tax purposes every year: (*name*) \_\_\_\_\_\_\_\_\_\_\_\_, born (*date*) \_\_\_\_\_\_\_\_\_\_\_\_\_. **OR** that the tax deduction shall alternate, with Plaintiff claiming the child(ren) in even/odd numbered years and Defendant claiming the child(ren) in even/odd numbered years.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the child’s birth certificate shall be amended to state that (*father’s full name*) \_\_\_\_\_\_\_\_\_\_\_\_\_ is the father of the child. (*If the child’s birth certificate shall not be changed, exclude this section*).

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the child’s name shall be changed to (*child’s new first, middle, and last name*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and the birth certificate shall be amended to reflect the new name. (*If the child’s name shall not be changed, exclude this section*).

**IT IS FURTHER ORDERED** 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 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 days should any of that information become inaccurate.

**NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(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 provision of NRS 125C.0045(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** that the parties are subject to the relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to move and/or for primary physical custody for the purpose of relocating. A parent who desires to relocate with a child has the burden of proving that relocating with the child is in the best interest of the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child without having reasonable grounds for such refusal, or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant 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 125.007 regarding the collection of delinquent child support payments.

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

**NOTICE IS HEREBY GIVEN** that if you want to adjust the amount of child support established in this order, you must file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

The provisionscontained in this Decree 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 \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_.

**BY THE COURT**:

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

**DISTRICT COURT JUDGE**

Respectfully Submitted:

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

**ATTORNEY NAME**

Nevada Bar No.: #

ADDRESS

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Attorney(s) for Plaintiff/Defendant