

OPPOSITION TO
MOTION FOR REVIEW
AND MODIFICATION
OF CHILD SUPPORT

IMPORTANT

**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 an 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, 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 regarding custody, visitation, child support and definitions of terms.

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NRS 125B.145 Review and modification of order for support: Request for review; jurisdiction; notification of right to request review.

1. An order for the support of a child must, upon the filing of a request for review by:

(a) The Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or the district attorney has jurisdiction in the case; or

(b) A parent or legal guardian of the child,

↪ be reviewed by the court at least every 3 years pursuant to this section to determine whether the order should be modified or adjusted. Each review conducted pursuant to this section must be in response to a separate request.

2. If the court:

(a) Does not have jurisdiction to modify the order, the court may forward the request to any court with appropriate jurisdiction.

(b) Has jurisdiction to modify the order and, taking into account the best interests of the child, determines that modification or adjustment of the order is appropriate, the court shall enter an order modifying or adjusting the previous order for support in accordance with the requirements of [NRS 125B.070](#) and [125B.080](#).

3. The court shall ensure that:

(a) Each person who is subject to an order for the support of a child is notified, not less than once every 3 years, that the person may request a review of the order pursuant to this section; or

(b) An order for the support of a child includes notification that each person who is subject to the order may request a review of the order pursuant to this section.

4. An order for the support of a child may be reviewed at any time on the basis of changed circumstances. For the purposes of this subsection, a change of 20 percent or more in the gross monthly income of a person who is subject to an order for the support of a child shall be deemed to constitute changed circumstances requiring a review for modification of the order for the support of a child.

5. As used in this section:

(a) “Gross monthly income” has the meaning ascribed to it in [NRS 125B.070](#).

(b) “Order for the support of a child” means such an order that was issued or is being enforced by a court of this State.

(Added to NRS by 1989, 859; A 1991, 1337; 1993, 2626; 1997, 2299; [2003, 546](#))

Laws subject to change.

**GENERAL INFORMATION ABOUT FILING AN
OPPOSITION TO MOTION OR REQUEST**

The forms must be typewritten or legibly handwritten in black ink.

There is no fee to file this document, so long as you have paid your fee with the initial filing of your documents.

There are facilities for copying your documents at the Court Clerk's office at the charge of **\$.025 per page**. Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

Location of the Court Clerk's Office

The Court Clerk's Office for **Churchill County** is located at 73 N. Maine Street, Suite B, Fallon, NV, 89406, on the second floor. The phone number is (775) 423-6088.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of Decree for the Judge to sign, **it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.**

FILLING OUT THE DOCUMENTS

1. **For All Documents:** Fill in the spaces on lines 9 through 13, **exactly** as they appear in your other documents. This is the "heading" of the document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept. No. are always the same.
2. **Important Note: This form provides you with the basic form to protect your interest in the legal matter, so long as it is filed within the time frame of ten (10) days after you have been served with a Motion or Request. If you do not file within that time period, the other party may submit the motion and may be granted all they request.**
3. **Be aware** that multiple motions may have been filed. If you have been served with additional motions, you must answer each motion on a separate form. If you do not formally answer each motion, the other party may submit those motions and may be granted all they requested. If you have questions regarding motions that have been served on you, immediately seek counsel with a private attorney.
4. **The Opposition:** When noting what you agree or disagree with, be sure to address each and every item in the Motion or Request. If you need more space, additional sheets of

paper can be attached. Be sure to write only on one side of the paper and clearly indicate that it is a continuation of your explanation.

5. If you have documentation or statements that support your argument or that contradict the information in the Motion or Request, or the information in any of the other documents filed by the other party, be sure to attach copies of the documents or statements to your Opposition as exhibits. Explain in your Opposition how the exhibits support your claims or contradict the other party's claim.
6. **There may not be a hearing on the Motion or Request. This may be the only change you have to present your side of this matter to the Judge. The other party has one more opportunity to answer the things you bring up in your Opposition. It is important that you fully present your case to the Court at this point.**
7. The Certificate of Service: The opposing party must be personally served with a copy of the documents. Service may be made by mail or be personal service. After the documents have been completed, place an "X" on the appropriate line indicating the method of service. The Certificate is to be filled out and signed by the person who actually mails or personally serves a copy of the documents on the other party or their attorney.
8. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Service. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you for your file.
9. **REMINDER: If a motion has been served on you, you must answer that motion with other responsive documents.**

If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.

NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.