MOTION TO MODIFY GUARDIANSHIP OF MINOR

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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GENERAL INFORMATION ABOUT FILING A MOTION TO MODIFY GUARDIANSHIP OF MINOR

The forms must be typewritten or <u>legibly</u> 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. The Motion: If there is a space for a Notary Public, then the document must be signed in the presence of a Notary Public.
- 3. <u>The Certificate of Service</u>: Make multiple copies of the Petition to be served on the following people:
 - a. Guardian/s of the minor- if the guardians are not the ones filing the Petition
 - b. The parents of the child
 - c. Anyone who has Court-ordered visitation rights with the minor or a support obligation of the minor
 - d. Child for whom guardianship is sought if the child is over 14 years of age.
- 4. Service may be made by mail or by 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.
- 5. Take the original and one copy of each document to the Court Clerk to be filed. The copy will be returned to you for your file.
- 6. <u>The Request for Submission</u>: In order to submit a Motion, Request, Objection, Petition, or other original document to the court for consideration, a Request for Submission must be filed. The Court may not review the file unless this document is filed.
- 7. <u>Important Note</u>: The other party has thirteen (13) days in which to file a response to your document.
- 8. If the other party files an opposition, you have five (5) days within which to file a <u>Reply</u>. Your Reply is limited to strictly what the other party refers to in their response. No new issues can be made in your Reply. New issues must be done in another Motion.
- 9. The Request for Submission should be filed along with your Reply. In addition, a new Certificate of Service must be completed for both the Reply and Request for submission.
- 10. If the other party does NOT respond within thirteen (13) days, you may file the Request for Submission form, together with a new Certificate of Service. However, if you do not receive a copy of the opposition, it is your responsibility to contract the filing clerk to ensure one has not been filed.
- 11. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Services. 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 and your file.
- 12. <u>Hearing Date</u>: The hearing will be scheduled once the Request for Submission is filed. A Setting memo will be mailed to you with the date of hearing noted.
- 13. <u>Affidavit of Service</u>: Make multiple copies of the setting memo to be served on the people noted above. This service must be made by **certified mail**.
- 14. Attach the green cards and Post Office receipt slip (white slips) to a plain piece of paper and add that page to the Affidavit of Service. If the certified letter is returned to you unclaimed, make a copy of the envelope and attached to the Affidavit of Service. **Do not**

attach the whole envelope to the form. Then make a copy of the Affidavit and take it to the Court Clerk for filing.

- 15. <u>The Order</u>: Complete all information, but do not fill in the dates, times, or sign the document.
- 16. Submit the original Order and two copies to the Court Clerk, who will give them to the Judge. If the Order is signed, a file-stamped copy will be mailed to you if you have provided a self-addressed, stamped envelope.

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.