

PETITION TO
DOMESTICATE A
FOREIGN DECREE/
ORDER

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.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION, OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR

GENERAL INFORMATION ABOUT FILING A PETITION TO DOMESTICATE A FOREIGN DECREE

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

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) 423-6080.

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. **NOTE: If Children Are Involved**—UCCJA stands for the Uniform Child Custody Jurisdictional Act. It is a Federal law which dictates the criteria that must be present in order for a Court to have jurisdiction to enter an order regarding custody and visitation of a minor child. **In order for a Court to enter a valid order regarding custody or visitation over a minor child, the child must be a resident of the State of Nevada and must have been physically present in the State for a period of six months prior to the filing of the Complaint or Petition.**
3. The Civil Cover Sheet: Leave the Case and Dept. No. blank, as this will be assigned when the document is filed. Fill in your name, address and phone number under Plaintiff. Fill in the information, if known, for Defendant. Check the appropriate box for the action you are filing. Then sign and date the form.
4. The Petition: Fill in completely all sections of the Petition.

5. The Affidavit in Support of the Petition: **This document must be signed in the presence of a Notary Public.**
6. The Acknowledgement and Verification: **This document must be signed in the presence of a Notary Public.**
7. The Summons: Print your name as the Plaintiff and the other party's name as the Defendant. Fill in purpose in the middle of the form –i.e. divorce, child custody, personal injury, etc. Print your name, address and telephone number in the space at the bottom of the Summons.
8. If there are other documents to be served along with the Petition, list those documents on the back (or second page) of the Summons on the lines under the hearing. **Do not fill in any other lines/information at this time. Leave all other spaces blank.**
9. Once all of the above documents have been completed, make two copies of each. Take the original **and copies** to the Court Clerk to be filed, together with the filing fee. The copies will be returned to you, for each of your files.
10. The Summons must be present to the Court Clerk to be “issued.” When “issued,” one of the Summons will have a raised stamp on it-this copy is what is termed the **Original Summons** and must be filed with the Court Clerk's office after service of the documents on the other party.
11. Serving the Documents: If the other party is a resident of another State and has never lived in the State of Nevada, and the marriage (in case of divorce) did not take place in Nevada, you must get permission from the Court to personally serve the Defendant outside the State. This is done through the supplemental packet entitled **Motion to Allow Out of State Service**.
12. Service on the other party, either in person or by publication, **MUST BE MADE** within **one hundred twenty (120) days** after the Complaint is filed and the Summons issued or the action may be dismissed by the Court.
13. By Personal Service: Staple the **copy** of the Summons to a copy of the Complaint. If additional motions have been filed with the Complaint, a copy of those must also be included. This is the packet of documents that must be personally served on the other party.

14. **Because you are a party to the action, you cannot serve the documents on the other party.** Service may be made:
 - a. By the Civil Division of the Sheriff's Office in the county in which the other party lives or works
 - b. By a responsible adult over the age of 18 years, such as a friend or relative.
 - c. By a private process service.

15. The Sheriff's Office and private process service will charge a fee for service of the documents. Deliver the packet of documents together with the **original** Summons to the individual you have chosen from the above list.

16. After service is made on all parties, the second page of the **original** Summons must be completed and signed in the presence of a **Notary Public** by the individual who served the documents. If the Sheriff's Office completes service, it will complete the Summons and return it to the Court Clerk. If anyone else completes service, it is your responsibility to retrieve this document and file it with the Court Clerk. Without proof of service on the other party, the Court cannot grant your Complaint. **It is your responsibility to keep track of the service of the documents, regardless of the method chosen**, including filing the completed Summons with the Court Clerk.

17. Service by Publication: If you do not know where the other party is, you will need to supplemental packet entitled **Motion to Allow Publication of Summons** in order to serve the other party by publishing the Summons in the newspaper.

18. Once the other party is served with a copy of the Complaint or Petition, they have **twenty (20) days** after the date of service to respond.

19. After Service is Complete: **Nothing automatically happens in a case. It is your responsibility to keep the case moving. It is important to take immediate action if the other party files and serves any kind of document. There are very important time frames in which documents and pleadings must be filed. If those time frames are not met, you may be put at a great disadvantage. However, if an attorney is representing the other party, the attorney may take the lead and steer the procedure.**

20. If the Defendant Does NOT File an Answer Within 20 Days: You may fill out the appropriate **Default** packet and submit the documents to the Court for a final review and decision by the Judge. Without these documents, your action will not become final and will eventually be dismissed.

21. If the Defendant DOES File an Answer within 20 Days: You should receive a copy of the document by mail or personal service. If the Defendant does not have an attorney,

however, they may not send you a copy of the Answer. Therefore, it is important to check with the Court Clerk's Office to see if an Answer has been filed prior to filing any **Default** documents.

22. Request for Submission: In order to submit a Motion, Request, Objection, Petition, or other original documents to the court for consideration, a Request for Submission must be filed. The Court may not review the filed unless this document is filed. A Certificate of Service must be completed for the Request for Submission.

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.

If you are requesting that the Court waive the filing fee, the filing procedure is different than above. Complete the **Request for Waiver of Fees and Costs** packet and follow those directions.