

READ THIS BEFORE COMPLETING THE FORMS!!!

INSTRUCTIONS FOR MOTION FOR MODIFICATION

WARNING!!! YOU SHOULD CONSULT AN ATTORNEY BEFORE USING THESE FORMS. THESE FORMS DO NOT CONTAIN ANY LEGAL ADVICE.

ALL DOCUMENTS FILED BY PERSONS WITHOUT AN ATTORNEY MUST BE NOTARIZED. YOUR DOCUMENTS WILL NOT BE ACCEPTED BY THE COURT IF THEY ARE NOT NOTARIZED.

WHAT YOU MUST DO:

1. You must complete the enclosed form which applies to your situation.
2. You must call the judicial secretary for Department 1 at 753-4601 to set a hearing on this matter before you file and serve the documents.
3. You must sign the documents in all places before a notary public and the notary must complete the notary section in this document.
4. You must make three copies of the document.
5. You must serve a copy of the documents you have completed on the opposing party by mailing a copy of the document to him/her. You must also serve the Instructions for the Opposition to Motion and the blank Opposition to Motion for Modification on the opposing party.
6. You must file the documents with the Clerk of the Court located in the Third Floor, Courthouse Annex Building at 571 Idaho, Elko, Nevada 89801.
7. You must appear at the date and time specified in the Notice of Hearing which you obtain from the Judicial Secretary to protect your rights. If you fail to appear, the Judge could rule against you.

IF YOU DO NOT COMPLETE EACH OF THE ABOVE STEPS, YOUR MOTION OR OPPOSITION CANNOT BE ACCEPTED BY THE COURT FOR CONSIDERATION.

HOW TO USE THESE FORMS:

Page 1: “Motion for Modification”

- Line 1: Insert your case number which can be found on your original order.
- Line 9: Insert the name of the plaintiff as it appears on your original order.
- Line 12: Insert the name of the defendant as it appears on your original order.
- Line 15: Insert your name and check the box indicating whether you are the plaintiff or the defendant in the original order.
- Line 20: Insert the date you sign the Motion before a notary.
- Lines 22 - 25: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name before a notary public. Print your name, address and telephone number where indicated and check the box to indicate whether you are the plaintiff or defendant in the original order.

Page 2: “Memorandum of Points and Authorities”

- Line 2: Insert your name.
- Line 5: Insert all reasons for the modification. Please attach additional pages if necessary.

Page 3: “Conclusion”

- Line 2: Insert your name.

- Line 4: In the first blank, insert the name of the person(s) who is to have legal custody of the child. In the second blank, insert the name of the person(s) who is to have physical custody of the child.
- Line 5: Insert the name of the person who is to have visitation.
- Lines 6 - 13: Insert the visitation schedule you would like and any conditions on visitation you would like the court to consider.

Page 3: “Notice of Hearing”

You must telephone the judicial secretary for Department 1 at 753-4601 and obtain a hearing date on your motion.

- Lines 15 - 16: Insert the date and time of the hearing.
- Line 18: Insert the date you sign the document before a notary.
- Lines 20 - 23: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name before a notary public. Print your name, address and telephone number where indicated and check the box to indicate whether you are the plaintiff or defendant in the original order.

Page 4: “Certificate of Service”

The Certificate of Service provides proof to the court that you mailed a copy of your motion to the opposing party.

- Line 2: Check whether you are the plaintiff or defendant.
- Line 7 - 9: Insert the name and address of the opposing party.
- Line 11: Insert the date you sign the document before a notary.

Line 13: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name.

Lines 15 - 26: These lines are to be completed by the notary you sign the motion before. If your signature is not notarized, your documents cannot be accepted by the court for consideration.

1 CASE NO. _____

2 DEPT. NO. _____

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IN THE FOURTH JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8

9 _____,

10 PLAINTIFF,

11 V.

**MOTION FOR MODIFICATION
AND NOTICE OF HEARING**

12 _____,

13 DEFENDANT.

14 _____/

15 COMES NOW _____, Plaintiff Defendant and moves this Court for
16 an Order Modifying a previous order of this Court. This motion is based upon the memorandum of points
17 and authorities attached hereto. This motion is further based upon the pleadings and papers on file with the
18 Court and on such other and further documentary evidence which may be presented at the hearing on this
19 matter.

20 DATED this _____ day of _____, 200__.

21

22

Name: _____

23

Address: _____

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Phone No.: _____

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Plaintiff Defendant

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MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRS 125.510, _____ (name of moving party) moves this Court for an order modifying a previous order of this Court. This motion is in the best interest of the child pursuant to NRS 125.480 due to (list all arguments in support of motion; attach additional pages if necessary): _____

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1 **CONCLUSION**

2 Based upon the foregoing, _____ (name of moving party) requests the Court
3 enter an order modifying a previous order of this Court and giving legal custody to
4 _____, physical custody to _____ and visitation to
5 _____ according to the following schedule and conditions (please specify the visitation
6 schedule and any conditions you want imposed): _____

7 _____
8 _____
9 _____
10 _____
11 _____
12 _____
13 _____

14 **NOTICE OF HEARING**

15 **PLEASE TAKE NOTICE** that a hearing in this matter has been scheduled for the _____ day of
16 _____, 200__, at _____.

17 Respectfully submitted.

18 DATED this _____ day of _____, 200__.

19
20 Name: _____

21 Address: _____

22 Phone No.: _____

23 Plaintiff Defendant

1 CERTIFICATE OF SERVICE

2 I hereby certify that I am the Plaintiff Defendant, and that on this date, pursuant to NRCPC
3 5(b), I deposited in the United States mail at Elko, Nevada, a true and correct copy of the MOTION FOR
4 MODIFICATION, INSTRUCTIONS FOR OPPOSITION TO MOTION FOR MODIFICATION AND
5 BLANK OPPOSITION TO MOTION FOR MODIFICATION addressed to:

6 NAME AND ADDRESS OF OPPOSING PARTY

7 _____
8 _____
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11 DATED this _____ day of _____, 200__.

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13 _____
14 Signature

15 STATE OF NEVADA)
16) ss.
17 COUNTY OF ELKO)

18 On this _____ day of _____, 200__, personally appeared before me, the
19 undersigned, a Notary Public in and for said County and State, _____ known to me
20 to be the person described in and who executed the above and foregoing Motion for Modification, who
21 acknowledged to me that _____ executed the same freely and voluntarily and for the uses and
22 purposes therein mentioned.

23 WITNESS my hand and official seal the day and year above-written.

24
25 _____
26 Notary Public

READ THIS BEFORE COMPLETING THE FORMS!!!

INSTRUCTIONS FOR OPPOSITION TO MOTION FOR MODIFICATION

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WHAT YOU MUST DO:

1. You must complete the enclosed form which applies to your situation.
2. You must sign the documents in all places before a notary public and the notary must complete the notary section in this document.
3. You must make three copies of the document.
4. You must serve a copy of the documents you have completed on the opposing party by mailing a copy to him/her.
5. You must file the documents with the Clerk of the Court located in the Third Floor, Courthouse Annex Building, 571 Idaho, Elko, Nevada 89801.
6. Please note that the Motion contains a Notice of Hearing. You must appear at the date and time specified to protect your rights or the Judge could rule against you.

IF YOU DO NOT COMPLETE EACH OF THE ABOVE STEPS, YOUR MOTION OR OPPOSITION CANNOT BE ACCEPTED BY THE COURT FOR CONSIDERATION.

HOW TO USE THESE FORMS:

Page 1: “Opposition to Motion for Modification”

- Line 1: Insert your case number which can be found on your original order.
- Line 9: Insert the name of the plaintiff as it appears on your original order.
- Line 12: Insert the name of the defendant as it appears on your original order.
- Line 15: Insert your name and check the box indicating whether you are the Plaintiff or Defendant in this case.
- Line 20: Insert the date you sign the Motion.
- Lines 22 - 25: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name before a notary public. Print your name, address and telephone number where indicated and check the box to indicate whether you are the plaintiff or defendant in the original order.

Page 2: “Memorandum of Points and Authorities”

- _____Line 2: Insert your name.
- Line 5: Explain all the reasons the court should not grant the motion for modification, if any. Please attach a separate sheet if necessary.

Page 3: “Conclusion”

- Line 2: Insert your name.
- Line 5: Insert the date you sign the document.

Lines 7 - 10: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name before a notary public. Print your name, address and telephone number where indicated and check the box to indicate whether you are the plaintiff or defendant in the original order.

Page 3: "Certificate of Service"

The Certificate of Service provides proof to the court that you mailed a copy of your motion to the opposing party.

Line 12: Check whether you are the plaintiff or defendant.

Line 16 - 18: Insert the name and address of the opposing party.

Line 20: Insert the date you sign the document before a notary.

Line 22: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name.

Page 4:

Is to be completed by the notary you sign the motion before. If your signature is not notarized, your documents cannot be accepted by the court for consideration.

YOU SHOULD CONSULT WITH AN ATTORNEY BEFORE COMPLETING THESE FORMS.

1 CASE NO. _____

2 DEPT. NO. ____

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IN THE FOURTH JUDICIAL DISTRICT COURT

7

OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8

9 _____,

10 PLAINTIFF,

11 V.

**OPPOSITION TO MOTION FOR
MODIFICATION**

12 _____,

13 DEFENDANT.

14 _____/

15 COMES NOW _____, Plaintiff Defendant and opposes the Motion for
16 an Order Modifying a previous order of this Court. This opposition is based upon the memorandum of
17 points and authorities attached hereto. This opposition is further based upon the pleadings and papers on
18 file with the Court and on such other and further documentary evidence which may be presented at the
19 hearing on this matter.

20 DATED this _____ day of _____, 200__.

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Name: _____

23

Address: _____

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Phone No.: _____

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Plaintiff Defendant

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MEMORANDUM OF POINTS AND AUTHORITIES

Pursuant to NRS 125.510, _____ (name of opposing party) opposes the motion for an order modifying a previous order of this Court. The motion filed is not in the best interest of the child pursuant to NRS 125.480 due to (list all arguments in support of motion; attach additional pages if necessary): _____

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1 **CONCLUSION**

2 Based upon the foregoing, _____ (name of opposing party) requests the Court
3 deny the motion for modification of a previous court order.

4 Respectfully submitted.

5 DATED this _____ day of _____, 200__.

6
7 Name: _____

8 Address: _____

9 Phone No.: _____

10 Plaintiff Defendant

11 **CERTIFICATE OF SERVICE**

12 I hereby certify that I am the Plaintiff Defendant, and that on this date, pursuant to NRC
13 5(b), I deposited in the United States mail at Elko, Nevada, a true and correct copy of the OPPOSITION TO
14 MOTION FOR MODIFICATION, addressed to:

15 NAME AND ADDRESS OF OPPOSING PARTY

16 _____
17 _____
18 _____

19
20 DATED this _____ day of _____, 200__.

21
22 _____
23 Signature

1 STATE OF NEVADA)
2) ss.
3 COUNTY OF ELKO)

4 On this _____ day of _____, 200_, personally appeared before me, the
5 undersigned, a Notary Public in and for said County and State, _____ known to me
6 to be the person described in and who executed the above and foregoing Motion for Modification, who
7 acknowledged to me that _____ executed the same freely and voluntarily and for the uses and
8 purposes therein mentioned.

9 WITNESS my hand and official seal the day and year above-written.

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Notary Public