

# D-8

## PETITION TO ESTABLISH CUSTODY AND VISITATION

### **Purpose of this packet:**

Unmarried parents of children want a court order to establish custody and visitation.

### **Use this packet if:**

- You and the other parent do not agree about custody, visitation, medical or other care, education, and/or child support.
- The minor children have lived in Nevada for at least the last six months or since birth; **or**  
The children previously lived in Nevada for six or more months and have been gone from Nevada for less than six months, and one of the parents continues to live in Nevada.

### **Contents:**

1. Instructions
2. Legal Assistance Information
3. EFile User Agreement
4. Family Court Information Sheet
5. Petition to Establish Custody and Visitation
  - a. Appendix A: Gross Monthly Income Worksheet
  - b. Appendix B: Child Support Worksheet
6. General Financial Disclosure Form
7. Summons
8. Declaration of Personal Service

Note: The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. §199.145

## **Instructions:**

### **☐ Step 1: Sign up for an electronic filing account.**

The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. Sign up for a free eFlex account in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.

### **☐ Step 2: Fill out the following forms:**

- Confidential Family Court Information Sheet
- Petition to Establish Custody and Visitation
- Appendix A: Gross Monthly Income Worksheet
- Appendix B: Child Support Worksheet
- General Financial Disclosure Form
- Summons

You will be given a case number and department when your documents are filed with the court.

Fill out the top section of the Summons and the lower section with your name and contact information. Court staff will complete the Summons with a signature, date, and seal, once it has been uploaded into eFlex.

### **☐ Step 3: File your forms.**

Electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them.

#### **↳ Electronic Filing**

1. Sign into your eFlex account <https://wceflex.washoecourts.com/>
2. There is a filing fee. If you cannot afford the filing fee, there is an F-6 Application to Waive Fees and Costs that can be used to ask for the filing fees to be waived.
3. To pay the filing fee, you must add a credit card to your eFlex account.
4. Click on “My Profile.”
5. Under the “Wallets” section, go to “SECOND JUDICIAL DISTRICT COURT - STATE OF NEVADA - Family Court Fee Payments” and click the “Add” button.
6. Enter a description for the credit card you will be using.

7. Click “Create Credit Card Token.” Enter your credit card information and follow the prompts to save it to your account.

#### ↳ eFlex Filing Instructions

1. To start the custody case, click “Home,” then click “New Case.”
2. Select “Family-Related: Domestic Relations” and “Custody (Non-Divorce) - CU.”
3. Click “Add my Parties” and enter your information as the Party Type “Petitioner” and the other parent’s information as Party Type “Respondent.”
4. To file each document, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, click “Add.”
5. Follow the prompts to upload the documents below.

Note: The eFlex Document Category field can be left blank.

- Family Court Information Sheet  
(Document Type: Family Court Info Sheet)
  - Petition to Establish Custody and Visitation including Appendix A and Appendix B all together as one PDF document.  
(Document Type: Pet/Est Custody & Visitation)
  - General Financial Disclosure Form  
Note: If you are including pay stubs, the General Financial Disclosure Form and your pay stubs need to be one PDF document.  
(Document Type: Financial Declaration)
  - Summons  
(Document Type: \*\*Summons Issued)
6. When all documents have been uploaded, review each one by clicking on the hyperlinked file name in the “View Document” column. When you have confirmed everything is correct, click “Next.”
  7. Estimated Fees: the filing fee will be displayed. Select how you will satisfy the payment. If you have a credit card on file, select “Wallet Item.” If you have an approved Fee Waiver on file, select “Order Granting Fee Waiver Approved.”
  8. When you are ready to submit your documents to the court, click “Submit the Filing.”

**□ Step 4: Serve the documents.**

The respondent must be **personally served** with the Petition and Summons within 120 days after the petition is filed or your case may be dismissed. Serve the respondent with the following documents:

- Petition to Establish Custody and Visitation including Appendix A and Appendix B
- Summons
- General Financial Disclosure Form

You can print file-stamped copies of these documents from your eFlex account or visit the Resource Center to obtain copies for a fee.

**Personal service cannot be completed by you.**

It can be completed by:

- The Civil Division of the Sheriff’s Office in the County in which the person you are serving resides or works; or
- A responsible adult over the age of 18 years that is not party to the case; or
- A private process service.

Personal service is completed by a person other than yourself by:

- Handing a copy to the respondent; or
- Leaving a copy at the respondent’s home with a person of suitable age and discretion who lives there; or
- Delivering a copy to an agent authorized to receive service (such as an attorney).

If you are unable to serve the respondent, or do not know where they are, you may electronically file an Ex Parte Motion requesting permission to serve the respondent by alternative service or by publishing in the newspaper. Contact the Resource Center or Law Library for further information.

**□ Step 5: Fill out the Declaration of Personal Service.**

After the respondent was personally served, fill out the top portion of the Declaration of Personal Service with your contact information, the petitioner and respondent names, case number and department.

The rest of the Declaration form must be completed by the person who served the documents (not you).

#### **□ Step 6: File the Declaration of Personal Service.**

Electronically file the Declaration of Personal Service yourself or bring it to the Resource Center to get help filing it.

1. Log into your eFlex account: <https://wcefex.washoecourts.com/>.
2. Click “Existing Cases.”
3. Locate the custody case you are filing into, click on the blue “eFile” link next to the case number.
4. To file the document, select the applicable Document Type, and click “Choose File.” Locate your document file on your computer, click “Add.”

Note: The eFlex Document Category field can be left blank.

- Declaration of Personal Service  
(Document Type: Declaration)

5. Review the document by clicking on the hyperlinked file name in the “View Document” column. When you are ready to submit your document to the court, click “Next” and then “Submit the Filing.”

#### **□ Step 7: Set the Case Management Conference Hearing.**

You must schedule a case management conference hearing.

To do so, contact the Judicial Assistant in the department in which your case will be heard. For contact information for each department, visit <https://www.washoecourts.com/Judges>.

The Judicial Assistant will file a Notice/Order Setting Case Management Conference Hearing into your case. Read the order for further instructions about actions you must complete for your Case Management Conference Hearing.

#### **□ Step 8: Answering a Petition for Custody and Visitation**

The respondent has 21 days starting the day after service to file an Answer to your petition. If the respondent files an Answer and Counterclaim, you may reply with an Answer to Counterclaim.

If the respondent files an Answer and Counterclaim and you do not file an Answer to Counterclaim, a default may be taken against you.

If the respondent does not file an Answer, contact the Resource Center or Law Library for further information regarding a Default packet.

**For procedural questions, or help with electronically filing your documents,  
visit or contact:**

**Resource Center  
1 South Sierra St., 3<sup>rd</sup> Floor  
Reno, NV 89501  
775-325-6731**

**Law Library  
75 Court St., Room 101  
Reno, NV 89501  
775-328-3250**

## Legal Assistance Information

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center or the Law Library. **The Resource Center and the Law Library staff cannot give legal advice** but can give information regarding court procedures.

You may wish to speak with a lawyer at no cost through the Law Library's Lawyer in the Library program. The Lawyer in the Library program is held via Zoom; you must register ahead of time to participate. No walk-ins accepted as space is limited.

### LAWYER IN THE LIBRARY

Sign up on our website:

<https://www.washoecourts.com/LawLibrary/LawyerInLibrary>

For questions, contact the Law Library at 775-328-3250

To seek assistance from other free or reduced-cost legal resources in the area, please contact:

#### NEVADA LEGAL SERVICES

449 S. Virginia St.  
Reno, NV 89501

775-284-3491 – leave a message, if  
necessary

<https://nevadalegalservices.org>

#### NORTHERN NEVADA LEGAL AID

1 S. Sierra St., 1<sup>st</sup> Floor  
Reno, NV 89501

775-321-2062 – leave a message, if  
necessary

<https://nnlegalaid.org>