

**EX PARTE MOTION FOR
PUBLICATION OF NOTICE OF
HEARING TO TERMINATE
PARENTAL RIGHTS**

TPR-2

Resource Center
1 South Sierra St., Third Floor
Reno, NV 89501
775-325-6731
www.washoecourts.com

Do Not File Or Copy This Page

**EX PARTE MOTION FOR
PUBLICATION OF NOTICE OF
HEARING TO TERMINATE
PARENTAL RIGHTS**

PACKET TPR-2

Use this packet only if the following statements are true:

- You have filed a Petition to Terminate Parental Rights.
- You have been unable to locate a necessary party to the case that you must give notice to, such as a parent or legal guardian, or the identity of the parent is unknown or parentage has not been established.

This packet contains the following forms:

1. Ex Parte Motion for Publication of Notice and Declaration of Due Diligence in Support of Publication
2. Request for Submission
3. Order for Publication
4. Proof of Publication of Notice

Carefully read all instructions.

Use black or blue ink only. Neatly print or type the information requested.

Do not use correction fluid or tape on the forms.

Resource Center
1 South Sierra St., Third Floor
Reno, NV 89501
775-325-6731
www.washoecourts.com

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 1

Complete the Ex Parte Motion as Shown:

If you have documents that support your ex parte motion, attach copies of the documents as exhibits. Contact the Resource Center or Law Library for further information on how to do so.

1) Print your name, address, telephone number, and email.

2) Print the name of the child, Case No., and Department No. just as they appear on all other documents in this case.

3) Complete all of the pages, following the instructions on each page.

Sign and date the last page.

1 Code: 1670
2 Name: _____
3 Address: _____
4 Telephone: _____
5 Email: _____
6 Self-Represented Litigant

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 In the Matter of the Parental Rights as to:
11 _____
12 A Minor Child. Case No. _____
13 Dept. No. _____

14 EX PARTE MOTION FOR PUBLICATION OF NOTICE AND
15 DECLARATION OF DUE DILIGENCE IN SUPPORT OF PUBLICATION

16 1. I am the Petitioner in this case and I filed a verified Petition to Terminate Parental Rights.
17 (name of other parent or legal guardian, if name unknown write "unknown")
18 _____ is a necessary and proper party to this action.

19 They are the (check one):
20 Parent Legal Guardian of the child Unknown parent
21 This person is presumed to be the father (NRS 126.051)

22
23 2. The last-known address that I know for the parent or legal guardian is:
24 _____
25 _____
26 The parent or legal guardian no longer lives there. To my knowledge, the last time the parent or
27 legal guardian lived there was: _____
28 _____

REV 2.23.2022 KJ Page 1 of 6 Ex Parte for Publication

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.

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 2

Complete the Request for Submission as Shown:

You will attach the Order to the Request for Submission using the Index of Exhibits and Exhibit Cover Page. When you upload your documents to eFlex you will upload the Request for Submission and the Index of Exhibits as one PDF.

1) Print your name, address, telephone number, and email

2) Print the name of the child, Case No., and Department No. just as they appear on all other documents in this case.

3) Print the date you filed the motion.

4) Date, sign, and print your name.

| | |
|----|---|
| 1 | Code: 3860 |
| 2 | Name: _____ |
| 3 | Address: _____ |
| 4 | Telephone: _____ |
| 5 | Email: _____ |
| 6 | Self-Represented Litigant |
| 7 | |
| 8 | IN THE FAMILY DIVISION |
| 9 | OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA |
| 10 | IN AND FOR THE COUNTY OF WASHOE |
| 11 | In the Matter of the Parental Rights as to: |
| 12 | _____ |
| 13 | A Minor Child. Case No. _____ |
| 14 | Dept. No. _____ |
| 15 | <u>REQUEST FOR SUBMISSION</u> |
| 16 | I request the Ex Parte Motion for Publication of Notice and Declaration of Due Diligence in |
| 17 | Support of Publication filed on (date) _____ be submitted to the Court for |
| 18 | decision. |
| 19 | This document does not contain the personal information of any person as defined by NRS |
| 20 | 603A.040. |
| 21 | |
| 22 | DATED this (day) _____ day of (month) _____, 20 ____. |
| 23 | |
| 24 | Submitted By: (Your Signature) _____ |
| 25 | (Print Your Name) _____ |
| 26 | |
| 27 | |
| 28 | |

REV 2.23.2022 KJ Page 1 of 1 Request for Submission

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 3

Prepare the Order for Publication as Shown:

You will attach the Order to the Request for Submission using the Index of Exhibits and Exhibit Cover Page. When you upload your documents to eFlex you will upload the Exhibit Cover Page and Order for Publication as one PDF.

1) Print the name of the child, Case No., and Department No. just as they appear on all other documents in this case.

2) Print the name of the person who needs to be served.

| | |
|----|---|
| 1 | Code: 1675 |
| 2 | |
| 3 | |
| 4 | |
| 5 | |
| 6 | IN THE FAMILY DIVISION |
| 7 | OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA |
| 8 | IN AND FOR THE COUNTY OF WASHOE |
| 9 | In the Matter of the Parental Rights as to: |
| 10 | _____ |
| 11 | A Minor Child. Case No. _____ |
| 12 | _____ Dept. No. _____ |
| 13 | |
| 14 | <u>ORDER FOR PUBLICATION</u> |
| 15 | |
| 16 | Upon reading the Ex Parte Motion for Publication of Notice and Declaration of Due Diligence |
| 17 | in Support of Publication, it appears to the satisfaction of the Court, and the Court finds that good |
| 18 | cause exists for granting the Ex Parte Motion, notice cannot be made by personal service, and that, |
| 19 | (the person who needs to be served) _____ |
| 20 | is a necessary party. |
| 21 | |
| 22 | THEREFORE, IT IS HEREBY ORDERED that the Notice in this action be served by |
| 23 | publication at least once a week for a period of four consecutive weeks in the following newspaper |
| 24 | of general circulation: _____ |
| 25 | |
| 26 | |
| 27 | Date: _____ |
| 28 | DISTRICT JUDGE |
| | REV 2.23.2022 KJ |
| | Page 1 of 1 Order for Publication |

STOP HERE
The Judge will fill in this information if it is granted.

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 4

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, and in the Law Library and the Resource Center.

Sign into your eFlex account using the username and password you created and electronically file each of the following documents:

- Ex Parte Motion for Publication of Notice and Declaration of Due Diligence in Support of Publication;
- Request for Submission and Index of Exhibits; and
- Exhibit Cover Page and Order for Publication (as an exhibit **continuation to the Request for Submission).

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available in the Law Library and the Resource Center.

There is no filing fee charged when these documents are filed. Fee information is available at the Resource Center and online at: www.washoecourts.com.

INSTRUCTIONS: STEP 5

Wait

You must wait for the Judge to make a decision on your motion. You will be notified by order if your motion is granted or denied.

Do not publish your notice until you have heard back from the Judge.

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 6

Publishing the Notice

Once the Judge has signed the Order for Publication, go to the Resource Center to pick up a file-stamped copy of the Notice of Petition to Terminate Parental Rights. In the Notice, the name of the minor will have been replaced with **initials only**. Take the copy of the file-stamped Notice to the newspaper named in the Order for Publication.

The Notice must be published once a week for four successive weeks, at the end of that time, the newspaper will send you a copy of the Notice as it appeared in the newspaper and an Affidavit of Publication. When you receive the documents, the Proof of Publication form should be filled out and the documents from the newspaper attached as an exhibit and then filed.

The Affidavit of Publication

The newspaper will send you a document that you will file with the court to prove that you completed the publication. This document is the Affidavit of Publication; it should also include an image of the newspaper clipping. Contact the newspaper if it does not.

Time for Other Parent to Respond

Service is deemed complete four weeks after the first date of publication. Then the other parent has 20 days to respond.

STOP

Do not continue with the rest of the packet until you have received the Affidavit of Publication from the newspaper.

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 7

You will use this form after you receive an Affidavit from the newspaper.

Complete the Proof of Publication as Shown:

You will attach the documents from the newspaper using the Index of Exhibits and Exhibit Cover Page. When you upload your documents to eFlex you will upload the Proof of Publication and Index of Exhibits as one PDF.

1) Print your name, address, telephone number, and email

2) Print the name of the child, Case No., and Department No. just as they appear on all other documents in this case.

3) Date, sign, and print your name.

4) On the Index of Exhibits, print how many pages the Affidavit is.

| | |
|----|---|
| 1 | Code: 3715 |
| 2 | Name: _____ |
| 3 | Address: _____ |
| 4 | Telephone: _____ |
| 5 | Email: _____ |
| 6 | Self-Represented Litigant |
| 7 | |
| 8 | IN THE FAMILY DIVISION |
| 9 | OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA |
| 10 | IN AND FOR THE COUNTY OF WASHOE |
| 11 | In the Matter of the Parental Rights as to: |
| 12 | _____ |
| 13 | A Minor Child. Case No. _____ |
| 14 | Dept. No. _____ |
| 15 | <u>PROOF OF PUBLICATION</u> |
| 16 | Attached as Exhibit 1 is proof of publication of the Notice. |
| 17 | |
| 18 | This document does not contain the personal information of any person as defined by NRS |
| 19 | 603A.040. |
| 20 | |
| 21 | DATED this (day): _____ day of (month) _____, 20 ____. |
| 22 | |
| 23 | Submitted By: (Your Signature) _____ |
| 24 | (Print Your Name) _____ |
| 25 | |
| 26 | |
| 27 | |
| 28 | |
| | REV 2.23.2022 KJ |
| | Page 1 of 1 Proof of Publication |

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 8

Filing the Proof of Publication

After publication is complete, you must file the Proof of Publication with the court.

Sign into your eFlex account using the username and password you created and electronically upload each of the following documents:

- Proof of Publication and matching Index of Exhibits; and
- Exhibit Cover Page and documents from the newspaper (as an exhibit **continuation to the Proof of Publication).

INSTRUCTIONS: STEP 9

Attend your Hearing

Plan to attend the hearing and bring your witnesses. If this is an ICWA case, you are required to have a tribal expert witness. Make sure to arrive early to the courthouse so you have enough time to park, get through security, and get to the courtroom before your case is called. Make sure you have filed documents proving that all required parties have been served with the paperwork.

If the parent the petition was filed against is there, the parent will be able to tell the judge whether they agree or disagree with the termination of their parental rights.

If the parent the petition was filed against is not there, the judge has to be sure that the parent was properly served with all the legal papers, including the Notice of Hearing. The judge may not go forward with the hearing if it looks like the other parent was not properly served. If service was done correctly, the judge can make a decision without the parent there.

After the judge has heard from everyone, the judge may decide immediately whether to terminate the parent's rights. If the judge needs to hear more before deciding on the termination, the judge may postpone trial and set a mediation and/or settlement conference.

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., 1st Floor
Reno, NV 89501

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

<https://nnlegalaid.org>