

D-12

JOINT PETITION FOR ANNULMENT (WITH MINOR CHILDREN)

Use this packet if all the following statements are true:

- You and your spouse were married in Nevada. **-or-** You and your spouse were married elsewhere but you or your spouse has lived in Nevada for at least six weeks.
- You and your spouse have minor children together, either natural-born or adopted, AND you agree on child custody, visitation, medical or other care, education, and child support.
- The minor children have lived in Nevada for at least the last six months prior to the filing of this Joint Petition or since birth.
- You and your spouse are separated and have a legal basis for an annulment per N.R.S. 125 (*see pages 6-7*).
- You and your spouse agree to all potential contested matters in this action.

This packet contains the following:

1. Instructions and Nevada Revised Statutes regarding annulments
2. Legal Assistance Information
3. EFile User Agreement x2 – a copy for each spouse
4. Family Court Information Sheet
5. Joint Petition for Summary Annulment with Minor Child or Children
 - a. Appendix A: Gross Monthly Income Worksheet
 - b. Appendix B: Child Support Worksheet
6. Index of Exhibits and Exhibit Cover Page
7. Declaration of Resident Witness x2 – a copy for each spouse
8. Request for Submission
9. Index of Exhibits and Exhibit Cover Page
10. Decree of Annulment

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

Attention: *The length of the marriage and/or the fact that the parties did not cohabit or consummate the marriage are not, by themselves, grounds for an annulment. The legal reasons for annulment can be found in the Nevada Revised Statutes. A copy of the Nevada Revised Statutes regarding annulments is available with these instructions (see pages 6-7).*

Instructions:

Note: Both petitioners must sign and initial the Joint Petition and Decree using a blue or black ink pen.

- Step 1: The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. To file electronically, both parties must have an eFlex account which you can sign up for in person at the Resource Center, or online at: <https://www.washoecourts.com/EFiling/SignUp>.
- Step 2: Fill out the confidential **Family Court Information Sheet**, including both parties' social security numbers and the children's dates of birth and social security numbers.

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

- Step 3: Completely fill out the **Joint Petition for Summary Annulment with Minor Child or Children**, including **Appendix A: Gross Monthly Income Worksheet** and **Appendix B: Child Support Worksheet**.

Attach any documents you have in support of your Joint Petition for Annulment. Each supporting document needs its own Exhibit Cover Page and must be listed on the Index of Exhibits.

If you are not including documents in support of your Joint Petition, discard the first Index of Exhibits and Exhibit Cover Page.

- Step 4: Fill out a **Declaration of Resident Witness** for each petitioner.

Have a friend or family member, that is over the age of 18 and a resident of the state where you live, fill out the Declaration of Resident Witness.

If you were not married in Nevada, either you or your spouse must have resided in Nevada for at least six weeks prior to filing this Joint Petition.

- Step 5:** Fill out the **Request for Submission**, additional **Index of Exhibits**, additional **Exhibit Cover Page**, and **Decree of Annulment**.

On the Decree of Annulment, complete the entire form except for the two lines that the judge will date and sign.

Electronically file the documents yourself or bring your completed documents to the Resource Center to get help filing them. If you take them to the Resource Center to file, skip to Step 7 once they have been filed.

- Step 6:** Sign into either party's eFlex account using the username and password created in Step 1: <https://wceflex.washoecourts.com/>.
- Step 6a:** Payment:

There is a filing fee. Note: If you cannot afford the filing fee, there is an **F-6JP Joint Petition to Waive Fees and Costs** that can be used to ask for the filing fees to be waived.

- To pay the filing fee, you must add a credit card to your eFlex account.
- Click on "My Profile."
- Under the "Wallets" section, go to "SECOND JUDICIAL DISTRICT COURT - STATE OF NEVADA - Family Court Fee Payments" and click the "Add" button.
- Enter a description for the credit card you will be using.
- Click "Create Credit Card Token." Enter your credit card information and follow the prompts to save it to your account.

- Step 6b:** Electronically file your documents:

- To start the annulment case, click "Home," then click "New Case."
- Select "Family-Related: Domestic Relations" and "Marriage Dissolution Case: Annulment - AN."
- Click "Add my Parties" and enter each spouse's information as the Party Type "Joint Petitioners."
- To file each document, select the applicable Document Type, and click "Choose File." Locate your document file on your computer, click "Add."

- Follow the prompts to upload the documents below.

If you **are** adding exhibits to your Joint Petition, your Petition and Index of Exhibits need to be one PDF document as follows.

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

- **Joint Petition for Summary Annulment with Minor Child or Children** including **Appendix A** and **Appendix B**, and the **Index of Exhibits** as the last page, all together as one PDF document (Document Type: “Pet for Annulment”)
- **Exhibit Cover Page** and your exhibit, all together as one PDF (Document Type: “**Continuation”)

When prompted to select which document you are attaching your Exhibit Cover Page and exhibit to, confirm “Pet for Annulment” is selected. Use “**Continuation” for any additional Exhibit Cover Page and exhibit you wish to attach to your Petition.

If you **are not** including exhibits with your Joint Petition, discard the first Index of Exhibits and Exhibit Cover Page and file the Joint Petition with Appendix A & Appendix B (all together as one PDF document) using eFlex Document Type: “Pet for Annulment.”

File the remaining forms as follows:

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

- **Family Court Information Sheet**
(Document Type: “Family Court Info Sheet”)
- **Declaration of Resident Witness** (*for Petitioner 1*)
(Document Type: “Declaration of Resident Witness”)
- **Declaration of Resident Witness** (*for Petitioner 2*)
(Document Type: “Declaration of Resident Witness”)
- **Request for Submission** and additional **Index of Exhibits** all together as one PDF document
(Document Type: “Request for Submission”)

- **Exhibit Cover Page and Decree of Annulment** all together as one PDF attached to the **Request for Submission** (Document Type: “**Continuation”)
 - Your Exhibit Cover page and Decree of Annulment get attached to the Request for Submission by selecting the Document Type: “**Continuation.”
 - Upon attaching your Exhibit Cover Page and Decree of Annulment, you will be prompted to select which document you are attaching it to; confirm that “Request for Submission” is selected and click “Next.”

A helpful video can be found here:

<https://www.youtube.com/watch?v=6JRMIXxa8Pg>

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.”

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.”

When you are ready to submit your documents to the court, click “Submit the Filing.”

Step 7: Wait.

Once all the documents are filed, you will be assigned a case number and a judge. The judge will have approximately 60 days to review your documents and issue an order.

**** PLEASE NOTE ****

If you do not follow all the instructions, your Joint Petition may be denied.

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

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

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

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NEVADA ANNULMENT STATUTES

NRS 125.290 Void Marriages. All marriages are prohibited by law because of:

1. Consanguinity between the parties; or
2. Either of the parties having a former spouse then living, if solemnized within this State, are void without any decree of divorce or annulment or other legal proceedings. A marriage void under this section shall not bar prosecution for the crime of bigamy pursuant to NRS 201.160.

NRS 125.300 Voidable Marriages: Causes for annulment.

A marriage may be annulled for any of the causes provided in NRS 125.320 to NRS 125.350, inclusive.

NRS 125.320 Cause for annulment: Lack of consent of parent or guardian.

1. When the consent of a parent, guardian or district court, as required by 122.025, has not been obtained, the marriage is void from the time its nullity is declared by a court of competent jurisdiction.
2. If the consent required by 122.025 is not first obtained, the marriage contracted without the consent of a parent, guardian or district court may be annulled upon application by or on behalf of the person who fails to obtain such consent, unless such person after reaching the age of 18 years freely cohabits for any time with the other party to the marriage as a married couple. Any such annulment proceedings must be brought within 1 year after such person reaches the age of 18 years.

NRS 125.330 Cause for annulment: Want of understanding.

1. When either of the parties to a marriage for want of understanding shall be incapable of assenting thereto, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.
2. The marriage of any insane person shall not be adjudged void, after his or her restoration to reason, if it shall appear the parties freely cohabitated together as a married couple after such insane person was restored to a sound mind.

NRS 125.340 Cause for annulment: Fraud.

1. If the consent of either party was obtained by fraud and fraud has been proved, the marriage shall be void from the time its nullity shall be declared by a court of competent authority.
2. No marriage may be annulled for fraud if the parties to the marriage voluntarily cohabit as a married couple having received knowledge of such fraud.

NRS 125.350 Cause for annulment: Grounds for declaring contract void in equity.

A marriage may be annulled for any cause which is a ground for annulling or declaring void a contract in a court of equity.

NRS 125.360 Annulment of marriage contracted within State: No requirement of residence.

Annulment of marriages contracted, performed or entered into within the State of Nevada may be obtained by complaint, under oath, to any district court of the State of Nevada for any cause provided by law for annulment of marriage.

NRS 125.370 Annulment of marriage not contracted within State: Jurisdiction of district court.

1. Annulment of marriages contracted, performed or entered into without the State of Nevada may, for any cause provided by law for annulment of marriage, be obtained by complaint, under oath, to the district court of any county if the plaintiff shall have resided 6 weeks in the State before suit be brought; otherwise, under oath, to the district court of the county in which:
 - a. The defendant shall reside or be found; or
 - b. The plaintiff shall reside, if the latter be the county in which the parties last cohabited.
2. No court in this State shall have authority to annul any marriage contracted, performed or entered into without the State of Nevada unless one of the parties shall have resided in this State for the period of 6 weeks before filing of the complaint.

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NRS 125.380 Cause for annulment may be pleaded in divorce complaint.

A cause of action for annulment may be pleaded in the same complaint with a cause of action for divorce.

NRS 125.390 Action in rem; status of parties determined.

Any action brought in this State for annulment of marriage shall be an action in rem, and in addition to annulling or declaring the contract of marriage void the courts shall regulate and determine the status of the parties.

NRS 125.400 Service of process.

In any suits brought under this chapter for annulment of marriage, process shall be served in the same manner as in actions at law, and the courts shall have the same power upon a substituted or constructive service of process to annul a marriage and regulate and determine the status of the parties as they would have had if process had been personally served.

NRS 125.410 Issue of marriages are legitimate.

1. Nothing in this chapter shall be construed so as to make the issue of any marriage illegitimate if the person or persons not be of lawful age.
2. The issue of all marriages deemed null in law shall be legitimate.

NRS 125.420 Presumption: Law of another state same as law of Nevada.

In any suit in this State for an annulment of marriage in anywise affected by the law of another state, it shall be presumed that the law of such other state is the same as the law of this State, unless and until the law of such other state shall be alleged and proved.

NRS 125.430 Reporting and transcription of evidence: Filing and costs.

1. When ordered by the court, the evidence in annulment of marriage actions shall be reported and transcribed and the transcript thereof filed with the pleadings in the case.
2. The cost of such transcript shall be immediately computed by the reporter and paid by the party ordered by the court to do so to the clerk of the court, who shall pay the same to the reporter upon receiving from the latter the transcript of evidence.
3. In all cases heretofore or hereafter where a transcript of evidence has not been filed due to the death of the reporter, and a period of not less than 5 years has elapsed and no claim has been made during that period by any party, the amount of money on deposit with the clerk, and payable to such reporter if a transcript of the evidence had been filed, shall be, by the clerk, paid to the county treasurer, who shall deposit the same in the county general fund.

NRS 125.440 Judgment for arrearages in payment of support.

1. When either party to an action for annulment or declaration of nullity of a void marriage, makes default in paying any sum of money as required by the judgment or order directing the payment thereof, the district court may make an order directing the entry of judgment for the amount of such arrears, together with costs and a reasonable attorney's fee.
2. The application of such order shall be upon such notice to the defaulting party as the court may direct.
3. The judgment may be enforced by execution or in any other manner provided by law for the collection of money judgments.

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>