

**COMPLAINT FOR
SEPARATE
MAINTENANCE
WITH NO MINOR
CHILDREN
(Legal Separation)**

D-19

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

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**COMPLAINT FOR SEPARATE
MAINTENANCE WITH NO MINOR
CHILDREN
(LEGAL SEPARATION)**

PACKET D-19

Use this complaint for separate maintenance packet only if all of the following requirements have been met:

- You are currently married.
- You want to separate your assets from your spouse, but remain married.
- You and your spouse have no minor children together, either natural-born or adopted.
- You or your spouse has lived in Nevada for more than six weeks.

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.

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INSTRUCTIONS FOR COMPLETING FORMS

Carefully read all instructions before starting to fill out any of the forms.

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

Do not use correction fluid/tape on the forms.

This packet contains the following forms:

1. EFile User Agreement (Standard)
2. Family Court Information Sheet
3. Complaint for Separate Maintenance
4. General Financial Disclosure
5. Declaration of Resident Witness
6. Summons
7. Declaration of Personal Service
8. Definitions of Terms Used in this Packet

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INSTRUCTIONS: STEP 1


eFlex Account and eFile User Agreement:

To file your documents, you will need to sign up for an eFlex account and have a valid email address. There is no fee to sign up for a standard eFlex account. If you already have an eFlex account for a different case, you do not need to create another account and can skip this step.

To sign up:

- 1) Carefully read and complete the eFile User Agreement (Standard) by filling in as much information as possible, signing, and dating page two;
- 2) Return the eFile User Agreement (Standard) to the Second Judicial District Court, or email it to eflexsupport@washoecourts.us; and
- 3) Request an account at <https://wcefex.washoecourts.com/>.

SECOND JUDICIAL DISTRICT COURT


WASHOE COUNTY
STATE OF NEVADA

**EFILE USER AGREEMENT
(Standard)**

This serves as your eFile User Agreement with the Second Judicial District Court for the purpose of registering for an eFile account to permit e-filing of court case documents using the eFlex Electronic Filing System (eFlex). Currently, this account will be subject to a \$0.00 fee per transaction.

By registering for an eFlex account I agree and consent to the following:

- I will submit court filings electronically through eFlex on court cases for which I am an active party or of record, or an officer of the Court filing documents in my official capacity.
- As a registered eFlex account holder, I cannot deactivate my email address without filing a Written Notice of Intent to change my email address with the District Court. The Written Notice of Intent must include my bar number and a list of all pending court matters. Also included must be an acknowledgment that all attorneys of record on those pending matters have been notified of my new email address. I understand that it is my responsibility to keep my email address updated on my eFlex account profile.
- I understand that once my eFlex account is deactivated, I will no longer be able to electronically eFile any documents using my account nor will I receive eFlex electronic service. Furthermore, I will not have access to court records through my eFlex account.
- Electronic signatures (e.g. /s/) are permissible on electronically filed documents submitted from the eFlex account. (See Nevada Electronic Filing and Conversion Rules, Rule 11).
- I will accept eFlex electronic notices sent to my email on file with eFlex as valid and effective service of eFiled documents, replacing the need for paper service. Electronic service of documents is limited to documents permitted to be served by mail, express mail, overnight delivery, or facsimile transmission. Complaint, petition or other document that must be served with a summons, and summons or a subpoena cannot be served electronically.
- I agree to the terms of the license agreement as stated by Cyber on the court's eFlex website under "Terms of Use" and "Privacy Policy" when registering for an eFlex account and pressing the submit button.
- I understand that email addresses supplied by the registered user via the username/password account through "eFlex Account" supersedes the court's case management system for the purpose of delivering valid and effective service of eFiled documents. I understand that it is my responsibility to keep my email address updated on my eFlex account profile.
- I agree to file the proper motion to withdraw/notice of change/substitution of counsel/notice of term of employment (whatever applies) into each of my cases whenever I depart from an agency, office, or firm or cease to represent a party in any case, or cease to be an eFlex user **within 10 days of any such change**. If known, I will designate the new attorney and/or e-Filed contact on each case. Further, I will separate the Clerk of Court of any employment change which will globally affect all or a majority of my cases.

Revised February 17, 2017

- I acknowledge receipt, understanding and agree to follow the Nevada Electronic Filing and Conversion Rules (EFCR).
- I understand if a party submits a proposed Order and the Order is eFiled by the Court, **ONLY** eFlex account holders will be served by the Court. I understand all other parties must be served by the party who submitted the proposed Order by other means.
- I understand as a registered eFlex account holder, I will only have access to documents in court cases for which I am an active party or attorney of record. In the event that I inadvertently obtain access to unauthorized information on any case, I will immediately notify the Court Administrator/Clerk of Court, presiding judicial officer and all active attorneys on that specific case. I will take every precaution to protect myself and all members of my firm from viewing, downloading or disseminating any unauthorized information. I will delete and destroy immediately any unauthorized information that I inadvertently obtain.
- I understand any violation of the terms of this agreement may result in sanctions imposed by the Court.

Attorney or Person Name: _____
If an attorney, Bar ID: _____ Law Firm: _____
If not an attorney, DOB: _____ Interpreter needed: Yes or No Language: _____
If not an attorney, Case number(s): _____
eFlex Email Address: _____
1st Alternate eFlex Email Address: _____
2nd Alternate eFlex Email Address: _____
Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Fax Number: _____
Designated eFlex contact person: _____

I hereby certify that I have read the above information and agree to abide by the requirements and terms as stated in this agreement.

Date: _____ Signature of Attorney/Person Agency Signatory: _____

To become a registered eFlex account holder, you must request an account online at <https://wcefex.washoecourts.com> and click on the "Request an Account" button. Next, print out this form, complete and sign and deliver the ink-signed copy to the Second Judicial District Court Filing Office, 75 Court Street, Reno, NV 89501. Upon completion of your account request **AND** receipt of the signed eFile User Agreement, your electronic request for a user account will be approved. You will be notified by email and be able to login with your user name and requested password within three (3) working days.

Revised February 17, 2017

If you need further assistance signing up for an account, please call the Resource Center at 775-325-6731.

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INSTRUCTIONS: STEP 2

Complete the Family Court Information Sheet as Shown:

- 1) Print your name.
- 2) Print your spouse's name.
- 3) Print your names, social security numbers, dates of birth, whether either of you need an interpreter, and if so what language. Print "do not have" if one or both of you do not have a social security number.

STOP HERE

There is no need to complete the rest of this form because your spouse and you have no minor children.

The Resource Center will give you a Case No. and Department No. when you file the complaint with the court.

1 IN THE FAMILY DIVISION
2 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
3 IN AND FOR THE COUNTY OF WASHOE

4 _____
5 Plaintiff/Petitioner,
6 vs.
7 _____
8 Defendant/Respondent.

9 Name: _____ Social Security #: _____
10 Date of Birth: _____ Date of Birth: _____

11 IF THIS CASE INVOLVES CHILDREN, PLEASE COMPLETE THE FOLLOWING:

12 Residential Address: _____ Residential Address: _____
13 Mailing Address: _____ Mailing Address: _____
14 City, State, Zip: _____ City, State, Zip: _____
15 Telephone #: _____ Telephone #: _____
16 Are you employed? YES [] NO [] Are you employed? YES [] NO []
17 Name of Employer: _____ Name of Employer: _____
18 Business Address: _____ Business Address: _____
19 City, State, Zip: _____ City, State, Zip: _____
20 Telephone #: _____ Telephone #: _____
21 Driver's License #: _____ Driver's License #: _____
22 Date of Birth: _____ Date of Birth: _____
23 Ethnicity: [] White (Not Hispanic)
24 [] African-American [] Hispanic
25 [] Asian or Pacific Islander
26 [] Native American/Alaskan Native [] Other

27 CHILDREN INVOLVED IN THIS CASE
28 Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____
Name: _____ SSN: _____ DOB: _____
If there are more than five children, list their names on a separate sheet of paper and attach.

29 Does this case involve family violence: [] Yes [] No
30 Are you requesting Child Support Enforcement Services
31 from the District Attorney's Office (IV-D) Services? [] Yes [] No
32 Court Personnel Only: [] Custodial Parent [] Non-Custodial Parent

33 This document contains the social security number of a person as required by NRS 125.130,
34 NRS 125.230, and NRS 125B.055.

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INSTRUCTIONS: STEP 3

Complete the Complaint Separate Maintenance as Shown:

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

2) Print your name.

3) Print your spouse's name.

4) Complete pages 1 - 7, following the instructions on each page.

1	Code: \$1442
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	IN THE FA
8	OF THE SECOND JUDICIAL DISTRICT
9	IN AND FOR THE COUNTY OF WASHINGTON
10	Plaintiff, Case No. _____
11	vs. Dept. No. _____
12	Defendant.
13	
14	
15	COMPLAINT FOR SEPARATE MAINTENANCE
16	(Also known as a Legal Separation)
17	(No Children)
18	Plaintiff, _____, in proper person, and for a cause of
19	action, alleges as follows: (Your Name)
20	I.
21	Plaintiff is a resident of the State of Nevada, County of _____,
22	and for a period of more than six weeks immediately preceding the commencement of this action, (County in which you live)
23	has resided in, been physically present in, and is a resident of the State of Nevada, and intends to
24	continue to make the State of Nevada his/her home for an indefinite period of time.
25	The Defendant is a resident of the State of _____,
26	(State where Defendant lives)
27	the County of _____,
28	(County where Defendant lives)
	REV 11/2010 AA 1 D19 COMPLAINT

The Resource Center will give you a Case No. and Department No. when you file the complaint with the court.

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INSTRUCTIONS: STEP 4

Complete the General Financial Disclosure as Shown:

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

2) Print your name.

3) Print your spouse's name.

4) Complete all the pages following the instructions on each page.

MISC
Name: _____
Address: _____
Phone: _____
Email: _____
Attorney for _____
Nevada State Bar No. _____

The Resource Center will give you a Case No. and Department No. when you file the complaint with the court.

Second Judicial District Court
Washoe County, Nevada

Case No. _____
Dept. _____

Plaintiff / Petitioner,
vs.
Defendant / Respondent.

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:
1. What is your full name? (first, middle, last) _____
2. How old are you? _____
3. What is your date of birth? _____
4. What is your highest level of education? _____

B. Employment Information:
1. Are you currently employed/ self-employed? (check one)
 No
 Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (check one)
 No
 Yes If yes, what is your level of disability? _____
What agency certified you disabled? _____
What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.
Prior Employer: _____ Date of Hire: _____
Date of Termination: _____ Reason for Leaving: _____

Page 1 of 7

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INSTRUCTIONS: STEP 5

Complete the Declaration of Resident Witness as Shown:

Someone other than the people legally separating must complete this declaration.

Who can fill out this form? Someone who is:

- 18 years of age or older;
- A resident of the State of Nevada; and
- Who knows that you or your spouse have been physically present in Nevada for at least 6 weeks before filing for separate maintenance.

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

2) Print your name.

3) Print your spouse's name.

4) The resident witness (someone other than your spouse or you) must complete the declaration from this point forward.

5) The resident witness must sign, date, and print their information on page two of the declaration.

1 Code: 1521
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 WASHINGTON
11 _____
12 Plaintiff / Petitioner / Joint Petitioner, Case No. _____
13 vs. Dept. No. _____
14 _____
15 Defendant / Respondent / Joint Petitioner
16
17
18 DECLARATION OF RESIDENT WITNESS
19
20 I, _____, do hereby declare
21 (Name of Resident Witness)
22 under penalty of perjury that the following is true.
23 I am over the age of eighteen and competent to testify of my own knowledge to the following:
24 1. I have lived in the State of Nevada for _____ years and presently live at:
25 (Number)
26 _____
27 (Your Street Address)
28 _____
(City, State, Zip Code)
REV 2/2019 JCB 1 Declaration of Resident Witness

The Resource Center will give you a Case No. and Department No. when you file the complaint with the court.

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INSTRUCTIONS: STEP 6

Electronically Filing the Documents

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

If you have not done so, you will need to sign up for an eFlex account and turn in the EFile User Agreement (*see INSTRUCTIONS: STEP 1*), to the Second Judicial District Court, or email to eflexsupport@washoecourts.us.

Sign into your eFlex account using the username and password you created and electronically file the:

- Family Court Information Sheet;
- Complaint for Separate Maintenance and any exhibits;
- General Financial Disclosure; and
- Declaration of Resident Witness.

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 at the Law Library and the Resource Center.

There may be a filing fee charged when documents are filed. Fee information is available at the Resource Center and online at: www.washoecourts.com.

FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file the application found in the **Application for Waiver of Fees and Costs packet**, which may be obtained at the following locations:

- Resource Center, 1 South Sierra Street, Reno, NV, Third Floor
- Law Library, 75 Court Street, Reno, NV, First Floor
- Online at: www.washoecourts.com (select the “Forms & Packets” tab on the top right hand side of the home screen)

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INSTRUCTIONS: STEP 7

Complete the Summons as Shown:

1) Print your name.

2) Print your spouse's name.

3) Print "Complaint for Separate Maintenance" as the object of this action.

4) Print your name, address, phone number, and email.

1	Code: 4085	
2		IN THE FAMILY
3		OF THE SECOND JUDICIAL DISTRICT
4		IN AND FOR THE COUNTY OF WASHOE
5		
6	Plaintiff / Petitioner / Joint Petitioner,	Case No. _____
7	vs.	Dept. No. _____
8	Defendant / Respondent / Joint Petitioner.	
9		
10		
11		<u>SUMMONS</u>
12	TO THE DEFENDANT: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND IN WRITING WITHIN 21 DAYS. READ THE INFORMATION BELOW VERY CAREFULLY.	
13	A civil complaint or petition has been filed by the plaintiff(s) against you for the relief as set forth in that document (see complaint or petition). When service is by publication, add a brief statement of the object of the action.	
14	The object of this action is: _____	
15	1. If you intend to defend this lawsuit, you must do the following within 21 days after service of this summons, exclusive of the day of service:	
16	a. File with the Clerk of the Court, whose address is shown below, a formal written answer to the complaint or petition, along with the appropriate filing fees, in accordance with the rules of the Court, and;	
17	b. Serve a copy of your answer upon the attorney or plaintiff(s) whose name and address is shown below.	
18	2. Unless you respond, a default will be entered upon application of the plaintiff(s) and this Court may enter a judgment against you for the relief demanded in the complaint or petition.	
19	Dated this _____ day of _____, 20____.	
20	Issued on behalf of Plaintiff(s):	JACQUELINE BRYANT CLERK OF THE COURT
21	Name: _____	By: _____
22	Address: _____	Deputy Clerk
23	Phone Number: _____	Second Judicial District Court
24	Email: _____	75 Court Street Reno, Nevada 89501
25		
26		
27		
28		
	REV 2/2019 JDB	SUMMONS

The Resource Center will give you a Case No. and Department No. when you file the complaint with the court.

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INSTRUCTIONS: STEP 8

Getting the Summons Issued

You will need to bring the Summons to the Filing Office or mail a copy of the Summons to the Filing Office using the following address:

75 Court Street
Reno, Nevada 89501
Attention Mail Desk

Once received, a filing clerk will issue the Summons by dating and signing the Summons and placing an embossed seal on the bottom right corner.

If you bring in the Summons in person, the Summons will be immediately returned to you.

If you mail in the Summons, you will receive the issued Summons back in the mail.

You will need to serve your spouse with a copy of the Summons.

Copy machines are available at the Law Library located on the first floor of the courthouse at 75 Court Street, Reno, NV. There is a per page charge to use the copy machine. Cash only.

INSTRUCTIONS: STEP 9

Setting a Case Management Conference

You must set a case management conference. The court will not automatically set one for you. To set up your case management conference, you will need to go to the Resource Center.

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INSTRUCTIONS: STEP 10

Serving the Documents

Your spouse **must be personally served** within 120 days after the complaint is filed or your case may be dismissed. You must have your spouse personally served with:

- Summons;
- Complaint and any Exhibits;
- General Financial Disclosure;
- Family Court Information Sheet;
- Notice of Case Management Conference (you get this form once you set the case for case management); and
- Additional documents you have filed with the court other than an application for waiver of fees and costs (if any) or ex parte motion(s) (if any).

The **original summons must be electronically filed** with the court after service is completed.

Personal Service

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

- handing a copy of the summons and complaint along with all other documents you have filed with the court to your spouse; or
- leaving a copy at your spouse'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).

You cannot complete personal service. Service may be completed by:

- the Civil Division of the Sheriff's Office in the County in which your spouse resides or works; or
- a responsible adult over the age of 18 years (such as a friend or relative); or
- a private process service.

Service by Publication

If you are unable to serve your spouse, or do not know where your spouse is, you may electronically file an **Ex Parte Motion** requesting to serve your spouse by alternative service or by publishing in the newspaper. Contact the Resource Center for further information.

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INSTRUCTIONS: STEP 11

Complete the Declaration of Personal Service as Shown:

The person who serves your spouse must complete this declaration (*see* Instructions: Step 10). **You cannot serve your spouse.**

The person who completes service must fill out the declaration and sign it. It is your responsibility to file the original summons and declaration of service with the court after service is completed.

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

2) Print your names just as they appear on all other documents in this case. You will also print the Case No. and Department No. that were assigned by the Resource Center.

3) The person who served the document(s) must complete the declaration from this point forward.

4) The person who served the document(s) must sign, date, and print their information on page two the declaration.

1	Code: 1520
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	_____, Plaintiff / Petitioner, Case No. _____
11	vs. Dept. No. _____
12	_____, Defendant / Respondent.
13	
14	
15	<u>DECLARATION OF PERSONAL SERVICE</u>
16	(To be filled out and signed by the person who served the Defendant or Respondent.)
17	I, _____, declare:
18	(Name of person who completed service)
19	1. I am not a party to this action and am over 18 years of age.
20	2. I am not a licensed process server; I am a natural person serving legal process without compensation, not more than three times per year, on behalf of a litigant who is a natural person, and therefore I am not required to be licensed pursuant to NRS 648.063(2).
21	3. I was able to complete service.
22	4. I personally delivered and left the document(s) with:
23	<input type="checkbox"/> <u>The person to the case (Defendant / Respondent)</u> , I served the document(s) on the
24	party at the location below.
25	_____
26	(Name of person served)
27	_____
28	(Street Address, City, State, and Zip Code of where served)
	REV 2/2019 JCB 1 DECLARATION OF PERSONAL SERVICE

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INSTRUCTIONS: STEP 12

Filing the Summons and Declaration of Service

After service is completed, **you must electronically file the original summons and declaration of service with the court.** Without proof that your spouse was served, the court cannot grant a decree of divorce.

Your spouse has 21 days after the date of service in which to electronically file an answer to the complaint. If your spouse does not file an answer, please contact the Resource Center for further information regarding a **Default Packet.**

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>

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Some definitions of terms used in the complaint for separate maintenance

The following definitions and explanations are only to be used as general guidance.

The definitions provided do not explain the entire legal meaning or importance of the terms. A private attorney, licensed to practice in the State of Nevada, or a representative of one of the local legal resource agencies can provide you with a full explanation of the terms.

Alimony: Money that a spouse, by court order, pays to the other person for support while they are separated or after they are divorced.

Community

Debts: Usually, any amount owed by either spouse, or both of them, that was contracted or came due during the marriage. It often does not matter if the debt is in one or both names.

Community

Property: Usually anything acquired by either spouse, or both of them, during marriage. It often does not matter if the property is owned in one or both names.

Residency: Nevada law requires that a separate maintenance case be granted only if a spouse, or both of them, was physically present in the State of Nevada for at least six weeks immediately before the Joint Petition for Separate Maintenance is filed with the court.

Resident

Witness: Any adult resident of the State of Nevada, other than either spouse, who knows and can swear that either spouse was physically present in the State of Nevada for at least six weeks immediately before the Joint Petition for Separate Maintenance is filed with the court.

Request for

Submission: No paper filed with the court is seen by the judge until a request for submission is filed with the court.