

M-4

MOTION FOR CHANGE OF CUSTODY OR VISITATION

Use this packet if all the following statements are true:

- You have a case with an existing order regarding child custody or visitation in the Second Judicial District Court.
- You are requesting the court change the existing order.
- There has been a substantial change in circumstances that is affecting the welfare of the child(ren) and the requested change to the order is in the child(ren)'s best interest.

This packet contains the following:

1. Instructions
2. Legal Assistance Information
3. Motion for Change of Custody or Visitation
4. Declaration of Moving Party
5. Proof of Service
6. Reply to Opposition to Motion for Change of Custody or Visitation*
*Only to be used if another party files an opposition to your motion
7. Request for Submission
8. Proof of 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: The Second Judicial District Court requires all documents to be electronically filed using the eFlex system. To file electronically, you 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 **Motion for Change of Custody or Visitation** and the **Declaration of Moving Party**. The Declaration of Moving Party must be fully completed even if it contains the same or similar information as the Motion.

You may either 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 3 once they have been filed.

- Step 2a: Payment:

There may be a filing fee. Note: 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.

- Log into your eFlex account: <https://wceflex.washoecourts.com/>.
- 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 2b: Electronically file your documents.

- Log into your eFlex account: <https://wceflex.washoecourts.com/>.
- Click “Existing Cases.”
- Locate the case you are filing into, click the blue “eFile” link.

- To file your documents, select the applicable Document Type, and click “Choose File.” Locate the document file on your computer, then click “Add.”

Note: The Document Category field can be left blank.

- **Motion for Change of Custody or Visitation**
(Document Type: “Mtn Modify Custody/Visit”)
- **Declaration of Moving Party**
(Document Type: “Declaration”)

When all the 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.”

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

Step 3: Service of the **Motion** and **Declaration**.

Your Motion and Declaration must be served to the other parties in the case. They can be served electronically by eFlex if they have an active eFlex account. To view which parties in the case will be served electronically, log into eFlex. On the home page, in the provided box, type in your case number, then click the blue “Service List” button. The eFlex system will generate a list of who will receive electronic notice and who will need to be served in another way.

The parties that do not have an active eFlex account must be served the documents by mail or personal service.

Notice of Electronic Filing will be generated by the eFlex system when any documents are filed into the case. A Notice of Electronic Filing does not replace the requirement of filing proof of service with the court.

Step 4: Fill out the **Proof of Service**.

You may either electronically file the Proof of Service yourself or bring your completed document to the Resource Center to get help filing it. If you take it to the Resource Center to file, skip to Step 5 once it has been filed.

Step 4a: Electronically file the **Proof of Service**

Refer to Step 2b to electronically file your documents. Use document type listed below. Note: The Document Category field can be left blank.

- **Proof of Service**
(Document Type: “Proof of Service”)

Step 5: The **Reply to Opposition** and **Request for Submission**.

If you served the other parties with the Motion and Declaration through eFlex or personal service, they have 14 days, beginning the day after service, to file an Opposition to your motion.

If you served the other parties by U.S. Mail, they have 17 days, beginning the day after mailing, to file an Opposition.

If they file an Opposition, you have 7 days to file a Reply (10 days after date of mailing if you were served by mail). A Reply to Opposition is included in this packet and is optional.

Whether or not they file an Opposition, you must file a Request for Submission to have your Motion and Declaration reviewed by the judge.

You must allow the other parties the full amount of time to oppose your motion before filing the Request for Submission.

Step 6: Fill out the **Reply to Opposition** (if applicable), the **Request for Submission**, and the second **Proof of Service**.

Step 7: File the **Reply to Opposition** (if applicable) and **Request for Submission** and second **Proof of Service**.

You may either 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 8 once they have been filed.

Step 7a: Electronically file your documents.

Refer to Step 2b to electronically file your documents. Use document type listed below. Note: The Document Category field can be left blank.

- **Reply to Opposition** (if applicable)
(Document Type: “Reply to/in Opposition”)

- **Request for Submission**
(Document Type: “Request for Submission”)
- **Proof of Service**
(Document Type: “Proof of Service”)

Step 8: Wait. Once you have completed all the steps, your Motion has been sent to the court for a decision. The judge will have approximately 60 days to review your documents and issue an order.

**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**

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>