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DISTRICT COURT
_____ COUNTY, NEVADA

_____ Plaintiff vs. _____ Defendant.	CASE NO.: _____ DEPT: _____ HEARING DATE: _____ HEARING TIME: _____

DECREE OF ANNULMENT (WITH CHILDREN)

This Decree was submitted (☒ *check one*) ☐ after a hearing ☐ without a hearing before the above-entitled court, and after a review of the pleadings and papers on file and the testimony given, if any, this Court finds as follows:

1. **Jurisdiction**. This Court has jurisdiction to grant an annulment because: (☒ *check one*)

   ☐ The parties were married in the State of Nevada on (*date*) _____.

   ☐ That Plaintiff and Defendant were married on (*date*) _____ in the city of _____, State of _____. Plaintiff or Defendant has been a resident of the State of Nevada for at least six weeks prior to filing this action.

2. **Pregnancy**. (☒ *check one*)

   ☐ Neither spouse is pregnant.

   ☐ The following spouse is pregnant: (*name of pregnant spouse*) _____.

   The other spouse (☒ *check one*) ☐ is / ☐ is not the parent of the unborn child. The child is due to be born on (*due date*): _____.

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3. That Plaintiff and Defendant have (*number*) _____ minor children in common born to or adopted by the parties. The names and dates of birth are:

Child's Name:	Date of Birth

4. **Child Residency**. (☒ *check one*)

☐ The children are residents of Nevada and have lived here for at least the past 6 months or since birth if less than 6 months old. Nevada is the habitual residence of the child, and this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.

☐ The children are not residents of Nevada or have not lived here for at least the past 6 months. The children live in (*state*) _____ which is the habitual residence of the child, and this Court does not have the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.

5. That any custody and visitation orders made herein are in the best interest of the children.
6. That the amount of child support ordered herein is in compliance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services or has been stipulated to by the parties with the required certifications and disclosures required by the guidelines.
7. That the Plaintiff or Defendant should be granted a Decree of Annulment for the reasons set forth in the Complaint or Counterclaim.
8. That any other necessary findings of fact are attached and incorporated herein.

NOW THEREFORE, IT IS HEREBY ORDERED that the marriage of Plaintiff and Defendant is hereby declared null and void and of no effect, and each of the parties is restored to the status of an unmarried person.

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IT IS FURTHER ORDERED that (☒ *check one*)

☐ The parties are granted joint legal custody of the minor child(ren).

☐ Plaintiff is granted sole legal custody of the minor child(ren).

☐ Defendant is granted sole legal custody of the minor child(ren).

☐ Nevada is not the home state of the child(ren) and does not have jurisdiction over custody matters.

IT IS FURTHER ORDERED that (☒ *check one*)

☐ The parties shall share joint physical custody of the minor child(ren). The parties shall exercise a regular and/or holiday timeshare as outlined in Exhibit 1 which is incorporated herein.

☐ Primary physical custody of the minor child(ren) shall be awarded to (☒ *check one*)

☐ Plaintiff / ☐ Defendant. The parties shall exercise a regular and/or holiday timeshare as outlined in Exhibit 1 which is incorporated herein.

☐ Nevada is not the home state of the child(ren) and does not have jurisdiction over custody matters.

COURT FINDS that Plaintiff's gross monthly income is $_____ and Defendant's gross monthly income is $_____. Under the guidelines, child support would be paid by (*parent name*) _____ in the amount of $_____ per month. (☒*check one*)

☐ Child support should be set at the above amount that complies with the guidelines established by the Administrator of the Division of Welfare and Supportive Services.

☐ Court finds that child support should be set at $_____ based on the following adjustments from the guidelines: _____

_____

_____

_____

_____

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ACCORDINGLY, IT IS HEREBY ORDERED that child support is set at (☒*check one*)

☐ $0 per month / ☐ $ _____ per month paid by (*parent who will pay*) _____ based on: (☒ *check one*)

- ☐ The worksheet calculation and/or the guidelines established by the Administrator of the Division of Welfare and Supportive Services.
- ☐ The amount already established by the District Attorney / Child Support Enforcement office, case (*insert case number*) _____.
- ☐ The amount determined by the court.

IT IS FURTHER ORDERED that any child support ordered is due the 1st of the month beginning the month after the notice of entry of decree is filed. A wage withholding is authorized if either party chooses to open a child support collection case with the local Child Support Enforcement Office.

IT IS FURTHER ORDERED that (☒ *check one*)

- ☐ There are no child support arrearages or the entitled custodial parent waived his/her right to child support arrearages.
- ☐ Child support arrears are being handled by the District Attorney / Child Support Enforcement office, case (*insert case number*) _____ and shall continue as ordered in that case.
- ☐ Back child support shall be paid by (*name of parent who will <u>pay</u> back child support*) _____ in the total amount of $_____, which amount is reduced to judgment.

IT IS FURTHER ORDERED that (☒ *check one*)

- ☐ There are no child care costs for either parent.
- ☐ The monthly child care costs for the child(ren) are: $_____. The monthly amount should be paid by ☐ Plaintiff ☐ Defendant ☐ both parents equally.

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IT IS FURTHER ORDERED that medical support for the child(ren) shall be provided through (☒ *check one*)

☐ Medicaid.

☐ Private / Employer insurance. The monthly premium should be paid by ☐ Plaintiff ☐ Defendant ☐ both parents equally.

☐ Other: _____

IT IS FURTHER ORDERED that both parents will equally share the cost of any uncovered medical/dental/vision expenses for the children, including copays, deductibles, and uncovered expenses. If either parent incurs a medical expense on behalf of the children, they will provide the other parent with a copy of the bill and proof of any payment within 30 days of receiving it. The other parent will have 30 days to reimburse the paying parent ½ the cost or set up payment arrangements with the medical provider.

IT IS FURTHER ORDERED that (☒ *check one*)

☐ The Plaintiff shall claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☐ The Defendant shall claim the following children as dependents for tax purposes every year: (*insert child(ren)*'s names): _____

☐ The tax deduction shall alternate, with Plaintiff claiming the child(ren) in (☒ *check one*) ☐ even / ☐ odd years, and Defendant claiming the child(ren) the other years.

☐ The tax deduction shall be allocated per federal law.

**IRS rules state that the custodial parent usually has the right to claim the child on their taxes regardless of what the Decree says. The custodial parent can waive this right by filling out IRS Form 8332. Talk to a tax professional if you are not sure what to do.*

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IT IS FURTHER ORDERED that (☒ *check all that apply*)

☐ Neither party changed their name or neither party wishes to have a former or maiden name restored.

☐ The name of (*spouse's name*) _____ should be restored to his / her former or maiden name of (*write full name the party wants to go back to*) _____.

☐ The name of (*spouse's name*) _____ should be restored to his / her former or maiden name of (*write full name the party wants to go back to*) _____.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.0045(6):

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.0045(7)(8):

The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

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NOTICE IS HEREBY GIVEN that the parties are subject to the relocation requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her residence to a place outside of this State or to a place within this State that is at such a distance that would substantially impair the ability of the other parent to maintain a meaningful relationship with the child, and the relocating parent desires to take the child with him or her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to give that consent, petition the court for permission to move and/or for primary physical custody for the purpose of relocating. A parent who desires to relocate with a child has the burden of proving that relocating with the child is in the best interest of the child. The court may award reasonable attorney's fees and costs to the relocating parent if the court finds that the non-relocating parent refused to consent to the relocating parent's relocation with the child without having reasonable grounds for such refusal, or for the purpose of harassing the relocating parent. A parent who relocates with a child pursuant to this section without the written consent of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125C.010(1)(b), for purposes of visitation rights of a child, the State of Nevada or the state where the child resides within the United States of America is the habitual residence of the child.

NOTICE IS HEREBY GIVEN that the parent having the child support obligation is subject to NAC 425.025 and NRS 31A.010 through 31A.350, inclusive, regarding the immediate withholding or assignment of wages, commissions or bonuses for payment of child support, whether current or delinquent.

NOTICE IS HEREBY GIVEN that pursuant to NRS 125B.145 and NAC 425.170, either party may request that the Court review the child support obligation every three years or upon changed circumstances.

NOTICE IS HEREBY GIVEN that pursuant to NAC 425.165 and NRS 425.620, if the order pertains to more than one child and does not allocate a specific amount of the total child support obligation to each child, and if you want to adjust the amount of child support established in this order, you MUST file a motion to modify the order with or submit a stipulation to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the child support obligation established in this order will continue until such time as all children who are the subject of this order reach 18 years of age or, if the youngest child who is subject to this order is still in high school when he or she reaches 18 years of age, when the child graduates from high school or reaches 19 years of age, whichever comes first. Unless the parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify the order will be effective as of the date the motion was filed.

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NOTICE IS HEREBY GIVEN that each party shall submit the information required in NRS 125B.055, NRS 125.130, and 125.230 on a separate form to the Court and the Welfare Division of the Department of Human Resources within ten days from the date this Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and not part of the public record. The parties shall update the information filed with the Court and the Welfare Division of the Department of Human Resources within ten days should any of that information become inaccurate.

DATED (*month*) _____ (*day*) _____, 20____.

_____
DISTRICT COURT JUDGE

Respectfully Submitted By:

_____	_____
(*Plaintiff's signature*)	(*Defendant's signature*)
_____	_____
(*Plaintiff's printed name*)	(*Defendant's printed name*)

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EXHIBIT 1: Parenting Timeshare and Holiday Schedule

☐ No Visitation Requested Because: (*explain in detail on separate sheet*)

Regular Weekly Schedule During School Year: ***<u>Be very specific</u>. Include the times and days of the week for each parent's timeshare.*** *(ex.: <u>Mom</u>: Saturday 7pm – Wednesday 3pm, <u>Dad</u>: Wednesday 3pm – Saturday 7pm)*	_____ _____ _____ _____ _____ _____ _____
Summer Schedule:	☐ Same as the regular schedule. ☐ Other: _____
Mother's Day:	☐ Mother every year from 9am – 7pm. ☐ Other: _____
Father's Day:	☐ Father every year from 9am – 7pm. ☐ Other: _____
Children's Birthday:	☐ *<u>Even years</u>* with (*parent*) _____ *<u>Odd years</u>* with (*parent*) _____ *Time shall be from 9am – 7pm.* ☐ Other: _____
3 Day Weekends:	☐ Each December before December 31, the parties must confer regarding their respective schedules for the upcoming year and agree in writing on an allocation of the Martin Luther King Day; President's Day; Labor Day; Memorial Day; and Nevada Day three day weekends between themselves. If the parties do not agree, the parties' normal weekly schedule will control with the parent otherwise entitled to have the children over the weekend being entitled to have the children in his or her care for the holiday as well. ☐ Other: _____
Fourth of July:	☐ Even years with (*parent*) _____ Odd years with the other parent. *Time shall begin July 4, at 10 a.m. and end on July 5, at 10 a.m.* ☐ Other:_____

Easter / Spring Break:	☐ Even years with (*parent*) _____ Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other: _____
Thanksgiving:	☐ Odd years with (*parent*) _____. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* ☐ Other: _____
Winter Break / Christmas:	☐ Segment 1 consists of the first one-half of the Winter break and includes Christmas Eve and Christmas Day. Segment 1 begins the day the children are released from school for the break at the time the children are released from school. Segment 2 consists of the second one-half of the Winter break and includes New Year's Eve and New Year's Day. Segment 2 begins at noon on the first day of the second half of the Winter break and ends at noon the day before school resumes. In the event that the date marking the halfway point in the Winter break falls on December 25, Segment 2 will not begin until December 26. *Even years*: Segment 1 with (*parent*) _____, Segment 2 with the other parent. *Odd years*: segment 1 with (*parent*) _____, segment 2 with the other parent. ☐ Other: _____
Other Holidays:	_____ _____ _____ _____
Vacation:	☐ The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the children. ☐ Each parent may have up to (*number*) _____ vacation days per year with the children. The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (*number*) _____ days before the planned vacation. **Vacation time supersedes the normal weekly or summer schedule and is not allowed during a holiday or school break allotted to the other parent**.