Filing Code: _____
Your Name: _____
Address: _____
City, State, Zip _____
Telephone: _____
Email Address: _____
Self-Represented

DISTRICT COURT
_____ COUNTY, NEVADA

_____ Plaintiff, vs. _____ Defendant.	CASE NO.: _____ DEPT: _____

MOTION FOR PERMISSION TO RELOCATE WITH A MINOR CHILD

TO: Name of Opposing Party and Party's Attorney, if any, _____

PLEASE TAKE NOTICE THAT (*your name*) _____ (*the "Moving Party"*) has filed a Motion seeking to permission to relocate to another state with a minor child.

If you object to any of the relief sought by this motion, you are required to file a written response to this motion with the Clerk of the Court and to provide the moving party with a copy of your response within 14 calendar days of the service of this motion. Failure to file a written response with the Clerk of Court within 14 calendar days of the service of this motion may result in the requested relief being granted by the Court without you having an opportunity to be heard. (NOTE: If service was made on you by mail, you have an additional 3 days to file your written response).

Submitted By: _____
(☒ *check one*) ❑ Plaintiff / ❑ Defendant

© 2023 Nevada Supreme Court

MOTION

(*Your name*) _____, moves this Court for an Order granting permission to relocate to another state with a minor child.

POINTS AND AUTHORITIES
LEGAL ARGUMENT

A parent must obtain court permission or the other parent's written consent before relocating with a child outside of Nevada or to a place within Nevada that would substantially impair the other parent's ability to maintain a meaningful relationship with the child. When a parent with joint physical custody of a child wishes to relocate with the child, the parent must also petition for primary physical custody for the purposes of relocating. NRS 125C.006; NRS 125C.0065. Child custody may be modified only when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." Romano v Romano, 138 Nev. Adv. Op. 1 (2022).

The relocating parent must prove to the court that the parent has a sensible, good-faith reason for the move that is not intended to deprive the other parent of his or her parenting time. The relocating parent must also prove that the move would be in the best interest of the child, and that the child and parent would both benefit from an actual advantage if allowed to move. NRS 125C.007(1).

In considering the parent's request to relocate, the Court must weigh various factors, including: 1) the motives of the relocating parent; 2) the motives of the non-relocating parent; 3) the extent to which the relocation would improve the quality of life for the child and parent; 4) whether the relocating parent will comply with substitute visitation orders; 5) whether there is a realistic alternate visitation schedule that will adequately foster and preserve the relationship between the child and the non-relocating parent; and 6) any other factor. NRS 125C.007(2). In determining the best interest of the child, the court shall consider: a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody; b) Any nomination of a guardian for the child by a parent; c) Which parent is more

likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent; d) The level of conflict between the parents; e) The ability of the parents to cooperate to meet the needs of the child; f) The mental and physical health of the parents; g) The physical, developmental and emotional needs of the child; h) The nature of the relationship of the child with each parent; i) The ability of the child to maintain a relationship with any sibling; j) Any history of parental abuse or neglect of the child or a sibling of the child; k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child; and l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. NRS 125C.0035.

The court shall also determine or modify child support under NRS Chapter 125B and/or in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.620.

FACTS AND ARGUMENT

A. Request for Primary Physical Custody and to Relocate

1. **I would like primary physical custody of the children with permission to move to** (*write the city/town and state where you would like to move*) _____.
   I intend to move on (*date you plan to move*) _____.

2. **The children's names and dates of birth are:**

Child's Name:	Date of Birth

3. **The current physical custody order is:** (☒ *check one*)

☐ The court has already awarded me primary physical custody or sole physical custody through the order dated (*date of order*) _____.

☐ I do not have primary / sole physical custody of the children. The current order gives me (☒ *check one*) ☐ joint physical custody / ☐ visitation / ☐ there is no custody order. *Fill out the next sections.*

Best Interest. It is in the best interest of the child(ren) to grant me primary physical custody because (*explain*):

_____

_____

_____

_____

_____

_____

_____

_____

Substantial Change in Circumstances affecting Child(ren). Since the last custody order, there has been a substantial change in circumstances affecting the welfare of the child(ren) (*explain major changes since the last order and how they affect the kids*):

_____

_____

_____

_____

_____

_____

_____

_____

(Attach a supplement if more space is needed for either section above)

4. **My proposed move is in good faith. I have a good reason for the move, and I am not moving to deprive the other parent of contact with the child.**
(*Explain why you want to move*) _____

5. **The proposed move is in the best interest of the children.** (*Explain why moving would be best for the children*) _____

6. **The children and I would benefit from the move in the following ways:** (*Explain*) _____

7. **The proposed move is likely to improve the quality of life for my children and myself.**
(*Explain. Include information about where you would live, where you would work, the school and surroundings for the children*) _____

Attach any exhibits to show how the move will improve the quality of life.

8. **I asked permission to relocate with the minor children but the other parent refused.** (*Explain when and how you asked the other parent for permission to move*) _____

_____

_____

_____

Attach any exhibits that show your attempts to resolve this with the other parent.

9. **The other parent will not agree to the relocation because:** (*Describe your understanding of why the other parent will not agree to the move*): _____

_____

_____

_____

10. **If I am allowed to move with the children, I propose the following visitation schedule:** (*Describe what visitation schedule you are proposing, and explain why the visitation schedule provides adequate substitute visitation*) _____

_____

_____

_____

_____

_____

_____

The estimated cost for visitation is: $_____ per round trip.

This cost should be paid by: (*name*) _____

11. **If the move is allowed, I will comply with all substitute visitation orders.** (*Give any information about whether you have previously complied with visitation orders*) _____

_____

_____

_____

B. Request to Set or Modify Child Support

❑ I understand that I must file my Financial Disclosure Form to support my request to modify child support and that failure to file my Financial Disclosure Form may result in my request being denied.

12. **Child Support.** (☒ *check one*)

❑ Child support should not be changed. (*STOP. Go to Section C.*)

❑ There is no child support order. Child support needs to be set.

❑ Child support should be changed. (*Name of person currently ordered to pay child support*) _____ currently pays (*amount*) $_____ per month in child support. This should be changed: (☒ *check one*)

☐ Because of the change in custody I am requesting.

☐ Because it has been more than three years since child support was last entered.

☐ Because the gross monthly income of the person paying child support has changed by more than 20% since the last child support order was entered.

It is in the best interest of the child to change child support because (*explain*):

_____

_____

13. **Parties' Income.**

My gross monthly income is (*insert amount*): $_____ / OR ❑ unknown.

The other parent's gross monthly income is (*insert amount*): $_____ / OR ❑ unknown.

14. **Amount Requested.** (☒ *check one*) Child support should be set so that (*name of person who should pay child support*) _____ pays: (☒ *check one*)

❑ $_____ per month in child support.

❑ I'm not sure how much child support should be paid. The judge should set child support.

❑ Other (*explain how much child support should be ordered and why*):

_____

_____

C. Other Relief

In addition to the relief requested above, I would like the Court to also order the following: (*Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.*) _____

_____

_____

_____

_____

_____

I respectfully ask the Court to grant me the relief above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED _____, 20____.

Submitted By: (*your signature*) _____

(*print your name*) _____

DECLARATION IN SUPPORT OF MOTION FOR PERMISSION TO RELOCATE WITH A MINOR CHILD

I declare, under penalty of perjury:

1. That I have personal knowledge of the facts contained in this Motion and in this Declaration and I am competent to testify to the same.
2. That the statements in this Motion and Declaration are true and correct to the best of my knowledge.
3. Additional facts to support my requests include: _____

   _____

   _____

   _____

   _____

4. I have attached the following Exhibit(s) to the Motion to support my requests: (*Describe exhibit or write N/A on any blank lines*.)

   a. _____

   b _____

   c. _____

   d. _____

Pursuant to NRS 239B.030, this document does not contain the personal information of any person as defined by NRS 603A.040.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED _____, 20____.

Submitted By: (*your signature*) _____

(*print your name*) _____