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

DISTRICT COURT
_____ COUNTY, NEVADA

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

OPPOSITION TO MOTION FOR PERMISSION TO RELOCATE WITH A MINOR CHILD AND COUNTERMOTION

(*Your name*) _____, files this Opposition and Countermotion to the motion for permission to relocate with a minor child.

I. POINTS AND AUTHORITIES

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).

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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.

II. FACTS AND ARGUMENT

A. Opposition & Countermotion Regarding Physical Custody

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

Child's Name:	Date of Birth

2. **Custody.** (☒ *check one*)

☐ I want to keep the current physical custody order. (*STOP. Go to Section B*)

☐ I should be awarded (☒ *check one*) ☐ joint physical custody / ☐ primary physical custody. *Fill out the next sections.*

Best Interest. My proposed custody order is in the best interest of the child(ren) because (*explain*):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

(Attach a supplement if more space is needed)

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)

B. Opposition to Request to Relocate

3. **I do not want the other parent to relocate with the children because**:

(☒ *check all that apply*)

❑ The other parent did not ask my permission to relocate with the minor child(ren).

❑ The other parent did ask my permission to relocate with the children, but I did not agree because (*Explain why you will not agree to the move*): _____

_____

_____

_____

_____

❑ I do not believe that the proposed move is in the best interests of the child because (*explain why moving would not be best for the children)*: _____

_____

_____

_____

_____

_____

❑ I do not believe the other parent has a good reason for the move because (*explain*):

_____

_____

_____

_____

❑ I believe the other parent wants to move in order to interfere with my visitation with the children because (*explain*): _____

_____

_____

_____

_____

❑ The move would not improve the quality of life for the children or the other parent because (*explain*): _____

_____

_____

_____

_____

❑ If the other parent moves with the child(ren), there is no realistic visitation schedule that will preserve my relationship with the child(ren) because (*explain*):

_____

_____

_____

_____

❑ If the other parent moves with the child(ren), I do not believe the other parent will comply with the new visitation orders because (*explain*): _____

_____

_____

_____

_____

❑ Other (*Explain any other reason you do not want the other parent to move with the child(ren)*): _____

_____

_____

_____

_____

C. Opposition & Countermotion to Request to Set or Modify Child Support

❑ Not Applicable (☒ *check if not applicable and go to Section D*).

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

4. **Child Support** (☒ *check all that apply*)**.**

❑ I agree to the other parent's request regarding child support. (*STOP. Go to Section D*).

❑ I disagree with the other parent's request regarding child support because (*explain*):

_____

_____

_____

❑ I would like child support changed (*check all that apply*):

☐ 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*):

_____

_____

_____

_____

5. **Parties' Income.**

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

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

6. **Amount Requested.** 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*):

   _____

   _____

   _____

D. 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 deny the opposing party's motion and grant me the relief requested 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*) /s/_____

(*print your name*) _____

DECLARATION IN SUPPORT OF OPPOSITION FOR PERMISSION TO RELOCATE WITH A MINOR CHILD AND COUNTERMOTION

I declare, under penalty of perjury:

1. That I have personal knowledge of the facts contained in this Opposition & Countermotion and in this Declaration and I am competent to testify to the same.
2. That the statements in this Opposition & Countermotion 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 Opposition & Countermotion 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*) /s/_____

(*print your name*) _____