

## Visitation & Mediation

Judges prefer parents to decide custody and visitation issues for themselves. Parents who cannot agree on custody and visitation may be required to attend mediation through the court's mediation program, Family Mediation Center (FMC).

FMC is located at the main Family Court campus at 601 N. Pecos Road. FMC's phone number is (702) 455- 4186. If, after mediation, the parents still cannot agree the judge will decide custody and visitation.

### Factors the court may consider:

- ◆ Domestic violence
- ◆ Recent criminal activity
- ◆ Substance or alcohol abuse
- ◆ The presence of mental illness
- ◆ Past history of providing for the children

There are two ways to request mediation. The first way is for both parents to sign a Stipulation and Order to Attend Mediation and submit it to the judge. The second way is for one parent to submit a Request and Order for Mediation to the judge. Both of these forms are available at the Self-Help Center and on its website.

A party may request an exemption from mediation if there are issues of child abuse, domestic violence, or if one party lives out of state.



### Phone:

(702) 455-1500  
(702) 455-2500 (Español)  
(800) 326-6868 (TT/TTD)

### Website:

[www.clarkcountycourts.us/shc](http://www.clarkcountycourts.us/shc)

### Location:

601 N. Pecos Road  
Las Vegas, Nevada 89101

### Hours of Operation:

Monday – Thursday  
8:30 a.m. – 5:00 p.m.

Friday  
8:30 a.m. – 4:30 p.m.

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Many family law matters involve complex and valuable legal rights. This brochure only includes basic, general information and may not fit all situations. Some rights cannot be adequately protected without the assistance of an attorney. You should consult with an attorney before you file any document.

# Custody, Visitation & Child Support



Clark County  
Family Law  
Self-Help Center  
Informational Brochure

# Custody

There are two types of custody: (1) legal custody and (2) physical custody.

Legal custody refers to a parent’s ability to make decisions about important issues that affect his/her child such as: medical, educational, and religious issues. Parents with legal custody are entitled to school records, medical records, and access to extra-curricular events and activities. There is a presumption that legal custody will be joint. If a parent requests sole legal custody, that parent will need to prove to the court that there is a sufficient reason to deny joint legal custody.

Physical custody determines where the child will reside on any given day. There are four main options for physical custody: (1) Primary Physical Custody to Dad, (2) Primary Physical Custody to Mom, (3) Shared or “Joint” Physical Custody, or (4) Sole Physical Custody. Nevada law requires that physical custody and visitation schedules be very specific so that the police and others can enforce the schedule.

The judge’s sole concern in deciding custody of a child is the best interest of the child. There is no presumption that one parent is better than another. When deciding custody, the court will only consider a child’s wishes if the child is old and mature enough. Usually, a child must be at least fourteen years old. Children should never be taken to court without the prior approval of the judge.

# Child Support

Child Support is the financial obligation owed by the noncustodial parent to the custodial parent. The custodial parent is the parent who has physical custody of the child the majority of the time. The noncustodial parent is the parent who has physical custody of the child the least amount of time.

Child support must be paid until the child emancipates. Usually, a child emancipates when the child turns eighteen years old. In some situations, emancipation may not occur until the child graduates high school or turns nineteen years old.

Nevada law contains specific guidelines that determine the correct amount of child support to be awarded. The guidelines are mathematical formulas based upon the noncustodial parent’s gross monthly income.

For purposes of calculating child support income includes: salary, consistent overtime, self-employment, and imputed income.

**Child Support Calculation When One Parent Has Primary or Sole Physical Custody**

- ◆ One Child = 18% of gross monthly income
- ◆ Two Children = 25% of gross monthly income
- ◆ Three Children = 29% of gross monthly income
- ◆ Four Children = 31% of gross monthly income
- ◆ There is a 2% increase for each child thereafter

If the parents have a true joint or shared physical custody arrangement the child support calculation is different.

A true joint physical custody arrangement means that each parent has physical custody of a child about 50% of the time. Sometimes a custody arrangement may be called “Joint” where one parent has physical custody of the child for slightly more time than the other. In these situations the joint physical custody child support calculation may not apply.

**Child Support Calculation When the Parents Have Joint Physical Custody**

Under Nevada law, the judge will calculate the amount of child support each parent would owe if that parent was the noncustodial parent. Next, the judge will subtract the difference between the two amounts and require the higher income parent to pay the difference to the lower income parent. Lastly, the judge will apply the presumptive maximum if necessary.

The minimum amount of child support that will be awarded is \$100.00 per month, per child, regardless of income. There is also a presumptive maximum amount of child support.

Income Range		Presumptive Maximum
At Least	Less than	Max. amount/child
\$0	\$4,235	\$580
\$4,235	\$6,351	\$638
\$6,351	\$8,467	\$697
\$8,467	\$10,585	\$754
\$10,585	\$12,701	\$812
\$12,701	\$14,816	\$870
\$14,816	No Limit	\$930

