

Answer / Default

After the Defendant is served, he/she has 20 days to file an Answer with the court. If the Defendant wants to ask the judge for different or additional relief the Defendant may also file a counterclaim. There is a \$95.00 fee to file an Answer. If the Defendant does not file an Answer, the Plaintiff may obtain a Default against the Defendant and will most likely get what he/she asked for in the Complaint.

Defaults are included in the Self-Help Center's Decree Packets. In order to obtain a Default a Plaintiff must take the Default to the legal filing counter at the clerk's office. After the clerk verifies that it has been twenty days since the Defendant was served it will issue the Default.

Once a Plaintiff obtains a default the Plaintiff has two options to obtain a Decree of Annulment or Decree of Separate Maintenance:(1) Summary Disposition or (2) Prove-up Hearing.

Documents required for Summary Disposition:

- Complaint for Annulment or Separate Maintenance
- Proof of Service
- Default, if no answer was filed
- Request for Summary Disposition
- Affidavit of Plaintiff
- Decree of Annulment or Separate Maintenance

How to Set a Prove-up Hearing:

Each judge has a specific day and time when he/she holds prove-up hearings. In order to get a court date simply go to master calendar and request to be placed on the judge's uncontested calendar.



Phone:

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

Website:

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.

DISCLAIMER: This brochure is intended as a courtesy only. Clark County, the Eighth Judicial District Court, the Self-Help Center, and their employees shall not be liable for errors contained herein or for direct, indirect, special or consequential damages in connection with the furnishing of this material.

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.

Separate Maintenance & Annulment



Clark County
Family Law
Self-Help Center
Informational Brochure

Separate Maintenance

In Nevada, when a spouse has any cause of action for a divorce or when he or she has been deserted for at least 90 days, the spouse may file a Complaint for Separate Maintenance.

Causes for Divorce in Nevada:

1. Incompatibility;
2. Insanity for two years prior to the action;
or
3. Spouses living separate and apart for

In order to file for separate maintenance a spouse must have lived in Nevada for at least 6 weeks prior to filing. A separate maintenance action settles all marital issues without terminating the marriage itself.

Marital Issues:

- ◆ Parent/child issues
- ◆ Division of property & debt
- ◆ Alimony

The method for obtaining separate maintenance in Nevada is the same as obtaining a divorce.

The first step to obtain separate maintenance is to file a Complaint for Separate Maintenance with the clerk's office. The fee for filing the Complaint is \$147.00. The spouse filing the complaint is known as the Plaintiff. When the Complaint is filed the clerk's office will assign the Plaintiff a case number and a judge.

Annulment

An annulment voids a marriage. This means that according to the state of Nevada the annulled marriage never took place. In other words, the parties were never legally married.

Grounds for annulment:

- ◆ lack of consent of a parent or guardian
- ◆ lack of understanding/insanity
- ◆ fraud
- ◆ void marriages
 - ▶ Spouses that are closely related by blood
 - ▶ Either the Plaintiff or Defendant was married to someone else on the day the Plaintiff and Defendant were married

In order to file for an annulment at least one spouse must have lived in Nevada for at least six weeks prior to filing or the spouses must have been married in the state of Nevada.

Filing a Complaint for Annulment is the first step to obtain an annulment. The fee for filing a Complaint is \$147.00. A Complaint for Annulment is filed by one spouse. That spouse is called the Plaintiff. Once the Plaintiff files the Complaint for Annulment with the clerk's office the Plaintiff will be assigned a case number and judge.

After the Complaint for Annulment is filed, the process for getting an annulment is the same as in a Complaint for Separate Maintenance and a Complaint for Divorce.

Service of Process

Nevada law requires Plaintiffs to notify Defendants of Separate Maintenance and Annulment actions. The method of notification is called "service of process".

Usually, the Plaintiff must serve filed copies of the: (1) Complaint; (2) Summons; and (3) Joint Preliminary Injunction on the Defendant within 120 days of filing the action.

Nevada also requires that Plaintiffs "personally serve" Defendants. This means that Plaintiffs must have a third party who is over the age of eighteen personally give a copy of the documents to the Defendant. The Constables office will serve these documents for a small fee.

Plaintiffs must also notify the judge that these documents were served. The way Plaintiffs notify the judge is by filing a document called an Affidavit of Service. The Affidavit of Service must be completed by the third party who gave the documents to the Defendant.

The Affidavit of Service is important because it tells the court when and where the documents were given to the Defendant. The document is also important because it is used to determine when the Defendant was served for the purpose of obtaining a default.

The duty to serve documents is ongoing and applies to both Plaintiffs and Defendants. All filed documents must be served.

