

Prove-up Hearing

A Prove-up hearing is a court hearing where a party appears before the judge and requests an order on an uncontested issue.

At a prove-up hearing for divorce the Plaintiff must prove to the judge that he/she meets all of the requirements to obtain a divorce.

Requirements to Prove at the Hearing:

- Nevada residency for at least 6 weeks
- Filing of all of the proper paperwork
- Proof of Service
- Grounds for divorce

If the judge grants the divorce, the Plaintiff can ask the judge to sign the Decree of Divorce at the hearing.

Once the judge signs the Decree of Divorce it must be filed with legal filing. Next, the Plaintiff must file a document called a “Notice of Entry of Order.” The last step in the divorce process requires the Plaintiff to serve filed copies of the Decree of Divorce and the Notice of Entry of Order on the Defendant.

How to Set a Prove-up Hearing

Judges have specific days when they hear prove-up hearings. In order to get a court date simply go to Master Calendar and request to be placed on your judge’s “uncontested calendar”.

Joint Petition

In order to obtain a divorce by Joint Petition, both spouses must agree on all issues. The Joint Petition for Divorce is a document that is signed by both spouses and outlines the spouses’ agreement for each issue.

Filing the Joint Petition for Divorce is the first step in the divorce process. There is a filing fee of \$167.00 to file a Joint Petition. Once the Joint Petition is filed the spouses will be assigned a case number and a judge. Next, the spouses must submit all required documents to the judge for review.

The judge will review the documents and if everything is in order, the judge will sign the Decree of Divorce. Once the Decree of Divorce is signed by the judge and filed with the clerk’s office the spouses are officially divorced.

Required Documents for Joint Petition

- Joint Petition for Divorce
- COPE Certificate
- Child Welfare and Identification Sheet
- Affidavit of Resident Witness
- Decree of Divorce

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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.

Divorce



Generally, a spouse may obtain a divorce in Nevada if that spouse has a statutory cause for divorce and has lived in Nevada for at least six weeks.

Statutory Causes for divorce in Nevada:

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

There are two methods to get a divorce in Nevada: (1) Complaint for Divorce and (2) Joint Petition for Divorce. A Complaint for Divorce is the method used when the spouses do not agree on all issues. A Joint Petition is the method used when the spouses agree on all issues.

Potential Issues in Divorce:

- ◆ The desire to get divorced
- ◆ Parent/Child issues
- ◆ Division of property and debt
- ◆ Alimony

Complaint

A Complaint for Divorce is a document that is filed by only one spouse. The spouse that files the Complaint is called the Plaintiff. Once a Complaint is filed, the Plaintiff spouse is assigned a case number and a judge. There is a fee of \$167.00 to file a Complaint for divorce.

Service of Process

Nevada law requires Plaintiffs to notify Defendants of divorce actions. The method of notification is called “service of process”. Usually, Plaintiffs must have a third party personally give filed copies of the (1) Complaint; (2) Summons; and (3) Joint Preliminary Injunction to the Defendant within 120 days of filing the divorce action.

Next, the third party who gave the documents to the Defendant must fill out an Affidavit of Service. It is the Plaintiff’s duty to file this Affidavit of Service. The Affidavit of Service is important because it tells the court when and where the Defendant was served and is used for calculating time when the Plaintiff requests a Default.

The duty to serve documents is ongoing and applies to both Plaintiffs and Defendants. All filed documents must be served. Each time a document is served either an Affidavit of Service or Certificate of Mailing must be filed with the court; depending on the type of service performed.

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 additional or different relief the Defendant may also file a counterclaim. There is a filing fee of \$95.00 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 for Divorce.

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

After the Plaintiff obtains a Default, the Plaintiff has two options to obtain a Decree of Divorce: (1) Summary Disposition or (2) Prove-Up Hearing.

NOTICE: Each party is responsible for informing the court of his/her current address and telephone number. Failure to do so may result in your failure to receive important information regarding your case. If your address changes you must file a Notice of Change of Address with the court.

Summary Disposition

The term “summary disposition” means that there is no hearing required to get divorced. Instead, the Plaintiff submits all of the required documents to the judge for approval.

If your judge is located at the Family Court at 601 N. Pecos, the judge has a box located on the 3rd floor.

If your judge is located at the Regional Justice Center at 200 Lewis Avenue, the judge has a box located on the 10th floor.

Simply place all of the required documents into the judge’s box. The judge will review the documents. If everything is in order the judge will sign the Decree of Divorce. If there is a deficiency, the documents will be returned to the Plaintiff for correction.

Once the Decree of Divorce is signed, the judge will send it down to the clerk’s office to be filed. Next, the clerk’s office will mail filed copies of the Decree to the Plaintiff. Lastly, the Plaintiff must file a document called a “Notice of Entry of Order” and serve copies of the Decree of Divorce and the Notice of Entry of Order on the Defendant.

Required Documents for Summary Disposition

- Complaint for Divorce
- Proof of Service
- Default or Answer
- Affidavit of Resident Witness
- Request for Summary Disposition
- Child Welfare and Identification Sheet
- Proof of Attendance of COPE class
- Decree of Divorce

