*****IMPORTANT DISCLOSURE*****

These forms and instructions are provided as a courtesy only. Clark County, the Eighth Judicial District Court, the Clark County Family Law Self-Help Center, and their employees **SHALL NOT BE LIABLE** for errors contained within or for direct, indirect, special, or consequential damages in connection with providing this material.

Many family law matters involve complex and valuable legal rights. These forms and instructions are basic general forms and **DO NOT** fit all situations. If your situation does not fit the general forms you will need to perform additional legal research or consult an attorney.

It is always recommended that you consult with an attorney before attempting to use self-help. This is especially true if your case involves unique or complicated issues. Most family law issues affect significant legal rights. Some rights cannot be adequately protected without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The law provides for exceptions in some situations. If your case involves special circumstances these exceptions may apply to you. Self-Help Center forms do not include information on these exceptions. Applicable laws and rules are set out in the Nevada Revised Statutes, The Nevada Rules of Civil Procedure, and other local rules governing the jurisdiction in which you are filing your documents.

By signing these documents and filing them with the court, you agree to the following:

- You have carefully read the documents;
- You understand all the terms and conditions in the documents;
- You agree with everything in the documents; and
- You are aware of all of the consequences that may occur as a result of filing.

Note that if you, the other party, or your children have ties to a state other than Nevada (i.e. you recently moved here or you have orders from another state) you should consult an attorney **BEFORE** filing any documents because the court may not have jurisdiction over you. However, once you file certain documents, the court will have jurisdiction and you **WILL NOT** be able to change that.

Helpful Tips for the Complaint for Separate Maintenance:

- The filing fee for the Complaint for Separate Maintenance is **$269**.
- All documents must be typed or written *neatly* in black ink
- If your children **have not** lived in Nevada for **at least 6 months**, the court **cannot** make orders for custody and visitation.
- You **can** use this packet if:
    - You *or* your spouse have lived in Nevada for the past 6 weeks; and
    - You and your spouse are incompatible, have lived separate and apart for 1 year, or your spouse has abandoned you for at least 90 days.
- If you need temporary relief (i.e. child support) before your case is final, you can file a motion to ask the court to put a temporary order in place.
- If you cannot find the Defendant to personally serve him or her, then you **must** get permission from the court before you can **serve by publication**.
- If you have minor children you must attend a COPE parenting seminar.
- You may have to attend mediation through the court's Family Mediation Center to try to work through any issues regarding custody or visitation that you and the other parent do not agree on.
- You are not legally separated until the judge signs your Decree and it is filed with the clerk.

For more information about how to finish your case, please consult the Self-Help Center or an attorney.

Self-Help Center hotline: (702) 455-1500 **website:** www.clarkcountycourts.us/shc

How to File a Complaint for Separate Maintenance

Step 1: Can I file for separate maintenance in Nevada?

A. Have you or your spouse lived in Nevada for the past 6 weeks?

☐ Yes **Go to Part B**

☐ No

STOP Usually, you cannot file for separate maintenance in Nevada.

B. Are you and your spouse incompatible, have you lived separate and apart for at least one year, or have you been abandoned for at least 90 days?

☐ No

☐ Yes **Go to part C**

C. Has the child lived in Nevada for the past 6 months?

☐ Yes

☐ No **(Proceed with caution to Step 2. The court cannot make orders for custody and visitation.)**

CAUTION

GO Go to Step 2

Step 2: Do I have all of the forms I need?

- ☐ Affidavit of Service
- ☐ Complaint
- ☐ Family Court Cover Sheet
- ☐ Financial Disclosure Form
- ☐ UCCJEA Declaration (if needed)
- ☐ Joint Preliminary Injunction "JPI"(optional)
- ☐ Summons
- ☐ Worksheet A and B

Go to step 3

Step 3: Prepare your Forms.

All Self-Help Center forms are in a fill-in-the-blank format. Use only black ink. Do not leave any lines blank on the forms. If something does not apply write "N/A".

A. **Fill out the following forms.**

- ☐ Complaint
- ☐ Family Court Cover Sheet
- ☐ Financial Disclosure Form
- ☐ UCCJEA Declaration (if using)
- ☐ JPI (if using)
- ☐ Summons
- ☐ Worksheet A or B

B. **Sign the Complaint** in front of a notary.

C. **File the forms you filled out** with the Clerk of the Court.

Go to step 4

Step 4: Make copies of the filed forms. You will need one copy to serve the Defendant with, one copy for the Judge and one copy for your records.

Go to step 5

Step 5: Have the Defendant served.

A. A person who is not an interested party AND who is over the age of 18 years old MUST serve the Defendant by personally giving the Defendant filed copies of the:

- ☐ Complaint
- ☐ Financial Disclosure Form
- ☐ JPI (if using)
- ☐ Summons

B. Next, the third party who gave these documents to the Defendant must fill out the Affidavit of Service and sign in front of a notary.

C. File the Affidavit of Service and make a copy of the filed form for your records.

Go to step 6

Step 6: Now what do I do?

A. Wait 20 days to see if the Defendant responds by filing an answer and/or counterclaim.

B. If the Defendant files an answer, the court schedules a case management conference within 90 days. If the Defendant files a counterclaim, you have 20 days to respond with a reply.

C. If the Defendant does not file an answer within 20 days, you may ask the clerk to issue a default. Once the default is issued, you can submit the Decree for Separate Maintenance.

Additional preparation may be required for the case management conference. Contact the Self-Help Center for questions, information, and for other available forms.

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