

## Service of Process

File stamped copies of motions and oppositions must be provided to the opposing party.

**TIP:** If the opposing party is represented by an attorney you must serve the attorney instead of the opposing party directly.

Usually, motions and oppositions are served by mailing a file stamped copy of the motion or opposition to the opposing party at his or her last known address. It is very important that all filed documents are served. In reaching a decision, the judge will not consider unserved motions or oppositions.

Prior to the hearing, parties must notify the judge that the motion or opposition was served. The way a party notifies the judge is by filing a second document called a Certificate of Mailing. Before the Certificate of Mailing is filed two copies of it should be made. Next, a party must file the Certificate of Mailing at the legal filing counter at the clerk's office. After the Certificate of Mailing is filed, one file stamped copy should be delivered to the judge's box and the second copy should be retained.

If your judge is located at the Family Court and Service Center at 601 N. Pecos Road, the judge has a box located on the 3<sup>rd</sup> floor. However, if your judge is located at the Regional Justice Center at 200 S. Lewis Avenue, the judge has a box located on the 10<sup>th</sup> floor.



### Phone:

(702) 455-1500

(702) 455-2500 (Español)

(800) 326-6868 (TT/TTD)

\*Call Center hours may vary based upon staff availability.

### 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

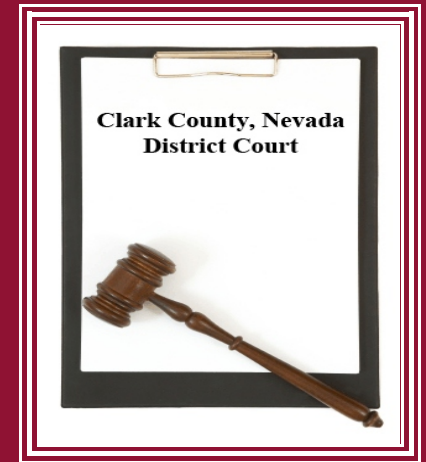
8:30 a.m. – 4:30 p.m.

\*Customers must arrive at least 15 minutes prior to closing to receive service.

**DISCLAIMER:** This informational 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.

# MOTIONS AND OPPOSITIONS



CLARK COUNTY  
FAMILY LAW  
SELF-HELP CENTER  
INFORMATIONAL BROCHURE

## MOTIONS

Motions are documents that ask the judge to make a certain ruling or order. The Family Law Self-Help Center provides fill-in-the-blank motions on a variety of issues including: child custody, visitation, and child support.

Before a party files a motion he/she must make three copies of it. Next, the original and the three copies should be filed with Master Calendar. The clerk at Master Calendar will keep the original and will return three file stamped copies.

**TIP:** The judge, the opposing party, and the party filing the motion should each receive a file stamped copy of the motion.

The clerk at Master Calendar will also assign the party a specific time and date to appear before the judge. This time is called a hearing date. At the hearing, the judge will either grant or deny the motion.

Usually, motions are scheduled for at least 30 days after the date of filing. If, because of an emergency, a party cannot wait for 30 days he/she can ask the judge to “shorten” the waiting time. In order to ask the judge to shorten the waiting time a party must file a second motion. This motion is called a Motion for An Order Shortening Time. These motions are rarely granted because there must be a true emergency.

## CONTENTS AND TIMING

According to local rules all motions must contain a Notice of Motion, a Memorandum of Points and Authorities, and a supporting affidavit. Since the purpose of a motion is to ask the judge for something, it is also important to tell the judge exactly what is being requested.

Parties can file motions before and after a final order or judgment. Examples of final orders and judgments are: Decrees of Divorce, Orders Establishing Paternity, and Decrees of Annulment.

Motions filed before a final order is entered are called pre-judgment motions. These motions are temporary and stay in effect until the final order is entered. There is no cost to file a motion before a final order is entered in a case.

Motions filed after a final order or judgment has been entered are called post-judgment motions. Post-judgment motions change or modify the final order. Usually, there is a \$25.00 fee to file a post-judgment motion.

### ORDERS:

After every court hearing on a motion an order must be prepared. The order must state what the judge ordered. Usually, the judge will tell one party to prepare the order. Orders should be prepared using the Court Minutes. The order is extremely important because the judge’s rulings cannot be enforced until the order is signed by the judge and filed with the clerk’s office. The Self-Help Center has an order preparation service and will prepare orders for \$5.00.

## OPPOSITIONS

Oppositions are legal documents that oppose or disagree with some or all of the requests made in a motion. Once a party is served with a motion local rules give the party ten days to file an opposition.

Like motions, oppositions must contain a Memorandum of Points and Authorities and a supporting affidavit. The opposition should state facts that explain why the motion should be denied. If no opposition is served and filed, the judge may consider this an admission that the motion is correct and should be granted.

Oppositions must be filed with Master Calendar. Before a party files an opposition the party must make three copies of it. Next, the party must take the original and the copies to Master Calendar for filing. The clerk will keep the original and give back the file stamped copies. Lastly, a file stamped copy of the opposition must be served on the opposing party.

There is no fee to file an opposition to a pre-judgment motion. However, like the \$25.00 fee to file post-judgment motions, there is usually a \$25.00 fee to file an opposition to a post-judgment motion.