

INSTRUCTIONS FOR JOINT PETITION FOR DIVORCE

NO CHILDREN

NO COMMUNITY PROPERTY

NO COMMUNITY DEBTS

AND

NO SPOUSAL SUPPORT

* * * IMPORTANT DISCLOSURE * * *

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I. EXPLANATION OF JOINT PETITION FOR DIVORCE

- A. A case for divorce can be started in two ways: (1) by filing a Complaint for Divorce or (2) by filing a Joint Petition for Divorce. In a Joint Petition, both parties must agree on everything about the divorce and be willing to sign documents. There is no hearing in a Joint Petition for a divorce proceeding.

B. You can use this Joint Petition for Divorce if:

- # At least one party has lived in this County for at least six weeks before you file the Joint Petition and that party plans to live in this County for the foreseeable future after the Petition is filed.
- # You and your spouse are "incompatible" in marriage (you can no longer live together as husband and wife).
- # Both parties agree to everything that will be in the divorce papers.
- # Neither party will pay spousal support.
- # Both parties are willing to sign the divorce papers.
- # You do not have minor children together.
- # You and your spouse do not have community property (items or land/houses that either party bought during the marriage) or community debts (debt that either party incurred during the marriage).

C. This package should contain the following documents:

- # Civil Cover Sheet
- # Instructions for Joint Petition Divorce - No Children, No Community Property and No Community Debts, No Spousal Support
- # Joint Petition for Divorce
- # Affidavit of Resident Witness
- # Decree of Divorce
- # Certificate of Mailing

Two Child Support and Welfare Party
Identification Sheets

II. STEP 1: PREPARE YOUR PAPERWORK

NOTE: WHEN FILLING OUT ANY FORM, YOU MUST USE BLACK INK. PRINT CLEARLY. THE CLERK'S OFFICE WILL NOT FILE YOUR DOCUMENT IF THE HANDWRITING IS HARD TO READ.

NOTE: The documents in this package are written as if you are a Nevada resident. If you are not a Nevada resident but your spouse is a Nevada resident, you can still use these forms. You will insert your spouse's name where the documents say "your name" and insert your name where the documents say "spouse's name."

A. THE CIVIL COVER SHEET:

1. The Civil Cover Sheet is a document used by the Clerk's Office to create a file for your case.
2. Leave the "Case No." blank. The Clerk's Office will give you a case number and department number when you file the Joint Petition.
3. Under Section I on the Civil Cover Sheet, write your name after the word "Plaintiffs." After the word "Attorney" write your address and telephone number.
4. Under Section II on the Civil Cover Sheet, mark the box next to "Exempt from Arbitration."
5. Under Section II on the Civil Cover Sheet, go to the section called "Domestic" on the left side of the page. Mark the box next to "1. Divorce."
6. On the bottom of the page, write the date on the line above the word "date" and sign your name on the line above the words "Signature of Attorney of Record."

B. THE CAPTION:

1. The "caption" is the portion of your document which assists the Court in identifying your particular case. It is the part of the page that says "In the

Matter of the Joint Petition of _____." Generally, this caption will remain the same throughout the entire case and will be on every document filed in this action. In this package, the caption is on the: (a) Joint Petition, (b) Affidavit of Resident Witness, (c) Decree of Divorce, (d) Certificate of Mailing, and (e) Child Support and Welfare Party Identification Sheet.

C. THE JOINT PETITION:

1. Insert your name, address, and phone number on the first page, upper left-hand corner. Insert your name on the one of the blank lines in the caption and your spouse's name on the other blank line in the caption.
2. Leave the lines to the right of the caption blank. The Clerk's Office will give you a case number and department number when you file the Joint Petition. Once you get the case number from the Clerk, you will need to put it on any documents that you give to the Court (i.e., the Decree of Divorce, etc.).
3. The Joint Petition uses a fill-in-the-blank format will tell you what information you need to put into the blank (date of marriage, etc.). If the Joint Petition tells you to circle an item, circle the item that applies (i.e., circle either "him" or "her" if the Joint Petition has "him/her").
4. The Joint Petition must be "verified." In other words, you will need to sign the Joint Petition in front of a Notary Public. The Joint Petition will also have to be "acknowledged" by the Notary. The Notary will know what to do. **Do not make any copies until the document is notarized.**

D. THE AFFIDAVIT OF RESIDENT WITNESS:

1. A resident witness is someone other than you or the other party who can testify that he/she has seen you in this County at least three to four times per week for at least six weeks before the Joint Petition is filed. This person must also have lived in this County at least six weeks before the Joint Petition is filed.

2. Insert your name, address, and phone number on the first page, upper left-hand corner. Insert your name on the one of the blank lines in the caption and your spouse's name on the other blank line in the caption (in the same order as you put on the Joint Petition).
3. Leave the lines to the right of the caption blank. The Clerk's Office will give you a case number and department number when you file the Joint Petition. Once you get the case number from the Clerk, you will need to put it on any documents that you give to the Court (i.e., the Decree of Divorce, etc.).
4. The Affidavit of Resident Witness uses a fill-in-the-blank format. The form will tell you what information you need to put into the blank (i.e., the witness' name, etc.). If the Affidavit of Resident Witness tells you to circle an item, circle the item that applies (i.e., circle either "him" or "her" if the Affidavit has "him/her").
5. The Affidavit of Resident Witness must be signed in front of a Notary Public.
**Do not make any copies
until the document is notarized.**

E. THE DECREE OF DIVORCE:

1. Insert your name, address, and phone number on the first page, upper left-hand corner. Insert your name on the one of the blank lines in the caption and your spouse's name on the other blank line in the caption (in the same order as you put on the Joint Petition).
2. Leave the lines to the right of the caption blank. The Clerk's Office will give you a case number and department number when you file the Joint Petition. Once you get the case number from the Clerk, you will need to put it the Decree of Divorce as well as any other documents that you give to the Court.
3. The Decree of Divorce uses a fill-in-the-blank format. The Decree will tell you what information you need to put into the blank (date of marriage, etc.). If the Decree tells you to circle an item,

circle the item that applies (i.e., circle either "him" or "her" if the Decree has "him/her").

F. THE CERTIFICATE OF MAILING:

NOTE: YOU SHOULD PREPARE THIS DOCUMENT AFTER THE JUDGE HAS SIGNED YOUR DECREE. PART OF THIS DOCUMENT WILL HAVE TO BE COMPLETED BY SOMEONE ELSE. (PLEASE SEE NEXT PARAGRAPH AND SECTION V, BELOW.)

1. The Certificate of Mailing is a document to show that Court that the other party received a copy of the document you have just filed. Someone other than you or someone you are related to by blood or marriage will need to complete part of this document. This other person is called a "third party." The third party must be over 18 years old and a U.S. citizen. Please see Section V, below, for more information.
2. Insert your name, address, and phone number on the first page, upper left-hand corner.
3. Insert your name on one of the blank lines in the caption and your spouse's name on the other blank line in the caption (in the same order you put in the joint petition.
4. Insert the case number on the line after the words "CASE NO." on your documents. You can find the case number by looking at other documents that have been filed in your case. The case number will start with a "D."
5. Insert the department letter on the line after the words "DEPT. NO." You can find the department letter by looking at other documents that have been filed in your case.
6. The Certificate of Mailing uses a fill-in-the-blank format and will tell you what information you need to put into the blank.
 - a. The third party will need to fill in the date that he/she mailed the documents to the other side.
 - b. The third party will need to sign the Certificate of Mailing before a Notary Public.

Do not make any copies until the document is notarized.

G. THE CHILD SUPPORT AND WELFARE PARTY IDENTIFICATION SHEET:

1. Nevada law states that the State of Nevada's Welfare Department and the Court must have a record of each party's Social Security number whenever a decree of divorce is filed. You do this by filing the Child Support and Welfare Party Identification Sheet at the Clerk's Office and mailing a file-stamped copy of the form to the welfare department.

Note: Each party should complete a Child Support and Welfare Party Identification Sheet using their own information.

2. Insert the first name in the caption of the Joint Petition on the line above the word "Plaintiff" in the caption of the Child Support and Welfare Party Identification Sheet. Insert the second name in the caption of the Joint Petition on the line above the word "Defendant." (It does not matter that you are actually "Co-Petitioners; the Clerk's Office will be able to put the document in the right file as long as you put the correct case number on the document.(See 3, below.))
3. Leave the lines after the words "CASE NO." and "DEPT. NO." blank. The Clerk's Office will give you a case number and department number when you file the Joint Petition. Once you get the case number and department assignment from the Clerk, you will need to put them on any documents that you give to the Court.
4. The Child Support and Welfare Party Identification Sheet uses a fill-in-the-blank format and will tell you what information you need to put into the blank.
 - a. Check the box "Without Child Support" in the upper-right corner.
 - b. Only Complete the lines through the information about your Social Security number. (Do not complete the information about your driver's license, etc.)

c. Please be sure to sign and date the form.

III. STEP 2: FILE THE JOINT PETITION FOR DIVORCE, THE AFFIDAVIT OF RESIDENT WITNESS, AND THE CHILD SUPPORT AND WELFARE PARTY IDENTIFICATION SHEETS.

A. Make three copies each of the following documents:

- # Joint Petition
- # Affidavit of Resident Witness
- # Decree of Divorce
- # Child Support and Welfare Party Identification Sheets

B. You need to use a two-hole punch on the top of each original document and also stamp or write "original" on each original document in between the two holes.

C. Take all of the completed documents and money to pay the filing fee with you to the Clerk's Office.

Call the Clerk's Office for filing fee information. The Clerk's Office will take cash, money orders, cashier's checks, and personal checks if you have a valid Nevada Driver's License.

D. Go to the filing counter at the Clerk's Office. The Clerk will file the original Joint Petition and the original Affidavit of Resident Witness. He/she will stamp your copies and give them back to you. These are called "file-stamped" copies. The Clerk will also stamp "return" on the Child Support and Welfare Party Identification Sheet, keep the original and one copy, and give the remaining copies back to you. These are called "returned-stamped" copies. The Clerk will also assign your case to a judge (also known as a "department") and give your case a "case number."

IV. STEP 3: THE COURT'S REVIEW OF THE PAPERWORK

- A. Go somewhere where you can put your documents together. You will need to make a package for the judge's office to review. That package needs to have the following documents:
- # One file-stamped copy of the Joint Petition
 - # One file-stamped copy of the Affidavit of Resident Witness
 - # One return-stamped copy of the Child Support and Welfare Party Identification Sheet for each party (two forms total).
 - # The original Decree of Divorce and at least three copies of the Decree.
- Be sure that the case number and department letter are on all of the documents that you give to the judge to review.
- B. Next, take the judge's package to the judge's office at the courthouse.
- C. The judge's staff will review your paperwork. If it is approved, the judge will sign the Decree. If you need to make some corrections, the staff will put a note on your papers to tell you how to correct your papers. It usually takes between one-to-two weeks from the time that you give your papers to the department until the staff has reviewed them.
- D. The Court does not mail paperwork back to you. After one week, you can call the Clerk's Office, or go to the Clerk's Office's filing counter to see if your paperwork is ready to be picked up. Tell the Clerk that you are in "Proper Person" so he/she knows where to look for your paperwork. If the paperwork is not in the Clerk's Office after two weeks, you may call the judge's office to make sure that they have your paperwork.
- E. If the judge signed your Decree of Divorce, the Clerk's Office will automatically file the Decree for you. Once the file stamp from the Clerk's Office is on your Decree, you are divorced. If your paperwork needs correction,

you will need to follow the instructions from the judge's office, complete and file the new document, and go through steps A-D of this section again.

V. STEP 4: SERVE THE DECREE ON THE ON THE OPPOSING PARTY

- A. As a general rule, you must give the other party a copy of any document that you file with the Court. If that party is represented by an attorney, you must give the documents to the attorney instead of the other party. The way of giving the documents to the other party (or the attorney) is called "service of process" or "service". For this packet, you must serve the Decree of Divorce on the other party.
1. Any document that is "served" must be mailed or delivered by someone other than you or someone who is related to you by blood or marriage and who is over 18 years old and a U.S. citizen. This person is called a "third party."
- B. There are several ways of serving the other party. However, this packet contains a "Certificate of Mailing." This is the most common method of serving a Decree of Divorce.
1. If the other party does not have an attorney, the third party should mail the documents to the other side's last known address (the address you put in the Certificate of Mailing).
 2. If the other party has an attorney, the third party should mail the documents to the attorney at the attorney's business address.

VI. STEP 5: FILE THE CERTIFICATE OF MAILING AND MAIL THE CHILD SUPPORT AND WELFARE PARTY IDENTIFICATION SHEETS

- A. After the third party has mailed the Decree of Divorce to the other side (or that side's attorney), he/she should complete their portion of the Certificate of Mailing. (See II, above.)
- B. Make one copy of the Certificate of Mailing.
- C. You need to use a two-hole punch on the top of the original Certificate of Mailing and stamp or write

"original" on the original document in between the two holes. The Self-Help Center has a two-hole punch and a stamp that you can use.

- D. Go to the filing counter at the Clerk's Office. The Clerk will file the original Certificate of Mailing and will give the file-stamped copy back to you. Keep this copy for your records.
- E. Mail one return-stamped copy of each party's Child Support and Welfare Party Identification Sheet to:

State of Nevada
Child Support Enforcement and Human Resources Division
3120 East Desert Inn Rd.
Las Vegas, NV 89121