

FILING CODE: MOT

Your Name: _____

Address: _____

Telephone: _____

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Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,
vs.

CASE NO.: _____

DEPT: _____

Defendant.

MOTION FOR PERMISSION TO RELOCATE WITH A MINOR CHILD

NOTICE OF MOTION

The judge can make a decision based only on the written filings, or the judge can talk to both parties and ask questions at a court hearing first. You can choose which you prefer below.

Would you like to have a hearing with the judge? (check yes/no, the court will enter details)

Yes. Hearing Date: _____ Hearing Time: _____ at:

Family Courts & Services Center, 601 N. Pecos Rd. Las Vegas, NV 89101, courtroom _____

Regional Justice Center, 200 Lewis Ave. Las Vegas, NV 89101, courtroom _____

The hearing may be available online; if it is the court will send login information separately.

No. The judge will write a decision after reviewing the request in chambers on: _____

TO: (write opposing party's name): _____

NOTICE: You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

Submitted By: (your name) _____

Plaintiff / Defendant

POINTS AND AUTHORITIES

A parent must obtain court permission or the other parent's written consent before relocating with a child outside of Nevada or to a place within Nevada that would substantially impair the other parent's ability to maintain a meaningful relationship with the child. When a parent with joint physical custody of a child wishes to relocate with the child, the parent must also petition for primary physical custody for the purposes of relocating. NRS 125C.006; NRS 125C.0065. Child custody may be modified only when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." Romano v Romano, 138 Nev. Adv. Op. 1 (2022).

The relocating parent must prove to the court that the parent has a sensible, good-faith reason for the move that is not intended to deprive the other parent of his or her parenting time. The relocating parent must also prove that the move would be in the best interest of the child, and that the child and parent would both benefit from an actual advantage if allowed to move. NRS 125C.007(1).

In considering the parent's request to relocate, the Court must weigh various factors, including: 1) the motives of the relocating parent; 2) the motives of the non-relocating parent; 3) the extent to which the relocation would improve the quality of life for the child and parent; 4) whether the relocating parent will comply with substitute visitation orders; 5) whether there is a realistic alternate visitation schedule that will adequately foster and preserve the relationship between the child and the non-relocating parent; and 6) any other factor. NRS 125C.007(2).

In determining the best interest of the child, the court shall consider: a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody; b) Any nomination of a guardian for the child by a parent; c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent; d) The level of conflict between the parents; e) The ability of the parents to cooperate to meet the needs of the child; f) The mental and physical health of the parents; g) The physical, developmental and emotional needs of the child; h) The nature of the relationship of the child with each parent; i) The ability of the child to maintain a relationship with any sibling; j) Any history of parental abuse or neglect of the child or a sibling of the child; k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child; and l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. NRS 125C.0035.

FACTS AND ARGUMENT

A. Request for Primary Physical Custody and to Relocate

1. **I would like primary physical custody of the child(ren) with permission to move to**
(write the city/town and state where you would like to move) _____.
I intend to move on (date you plan to move) _____.

2. **The children’s names and dates of birth are:**

Child’s Name:	Date of Birth

3. **The current physical custody order is:** (check one)

- The court has already awarded me primary physical custody or sole physical custody through the order dated (date of order) _____ (STOP, go to question 4).
- I do not have primary / sole physical custody of the children. The current order gives me (check one) joint physical custody / visitation / there is no custody order. *Fill out the next sections.*

Substantial Change in Circumstances Affecting Child(ren). Since the last custody order, there has been a substantial change in circumstances affecting the welfare of the child(ren) (explain major changes since the last order and how they affect the kids):

Best Interest. It is in the best interest of the child(ren) to grant me primary physical custody because *(explain)*:

4. **My proposed move is in good faith. I have a good reason for the move, and I am not moving to deprive the other parent of contact with the child. I want to move because:**

5. **The proposed move is in the best interest of the child(ren) because: *(Explain)***

6. **The child(ren) and I would benefit from the move in the following ways: *(Explain)***

7. **The proposed move is likely to improve the quality of life for my child(ren) and myself.**
(Explain. Include information about where you would live, where you would work, the school and surroundings for the children) _____

8. **Attempt to Resolve.** (*check one*)

I tried to resolve this issue with the other party before filing this motion. *(Explain when and how you asked the other parent for permission to move)* _____

I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because *(explain why you did not try to resolve this issue directly with the other party before filing this motion)*

9. **The other parent will not agree to the relocation because:** *(Describe your understanding of why the other parent will not agree to the move):* _____

10. **If I am allowed to move with the child(ren), I propose the following visitation schedule:**
(Describe what visitation schedule you are proposing, and why it will be adequate)

The estimated cost for visitation is: \$_____ per round trip.

This cost should be paid by: (name) _____

11. **If the move is allowed, I will comply with all substitute visitation orders.** (Give any information about whether you have previously complied with visitation orders)

B. Request to Set or Modify Child Support

12. **Child Support.** (check one)

Child support should not be changed. (STOP. Go to Section C.)

There is no child support order. Child support needs to be set.

Child support should be changed. (Name) _____ currently pays (amount) \$_____ per month in child support. This should be changed: (check one)

Because of the change in custody I am requesting.

Because it has been more than three years since child support was last entered.

Because the gross monthly income of the person paying child support has changed by more than 20% since the last child support order was entered.

It is in the best interest of the child to change child support because (explain):

13. Financial Disclosure Form (“FDF”) Certification (*check one*)

- I filed a FDF in the last 6 months and have no material changes to report.
- I understand that I must file my FDF within 3 days of filing this motion to support / oppose a request regarding child support. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.

14. Parties’ Income.

My gross monthly income is (*insert amount*): \$_____ / OR unknown.

The other parent’s gross monthly income is (*insert amount*): \$_____ / OR unknown.

15. Amount Requested. Child support should be set so that (*name of person who should pay child support*) _____ pays: (*check one*)

- \$_____ per month in child support.
- I’m not sure how much child support should be paid. The judge should set child support.
- Other (*explain how much child support should be ordered and why*):

16. Child Care. Are there child care expenses? (*check one*)

- No, there are no child care costs for either parent.
- Yes, the monthly child care costs for the child(ren) are: \$_____. This amount should be paid by me only the other parent only both parents equally.

17. Medical Coverage. Medical support (medical, vision, and/or dental) must be provided for the child(ren). How should the children get medical support/insurance? (*check one*)

- Medicaid.
- Private / Employer Insurance. The monthly premium should be paid by me only the other parent only both parents equally.
- Other: _____

C. Other Relief

In addition to the relief requested above, I would like the Court to also order the following:

(Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.) _____

I respectfully ask the Court to grant me the relief above, including an award of attorney’s fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED _____, 20____.

Submitted By: *(your signature)* _____
(print your name) _____

DECLARATION IN SUPPORT OF MOTION FOR PERMISSION TO RELOCATE WITH A MINOR CHILD

- a. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
- b. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED _____, 20____.

Submitted By: *(your signature)* _____
(print your name) _____