

FILING CODE: OPPTS

Your Name: _____

Address: _____

Telephone: _____

Email Address: _____

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,

vs.

Defendant.

CASE NO.: _____

DEPT: _____

DATE OF HEARING: _____

TIME OF HEARING: _____

Optional: If a hearing is not currently set, would you like one? (*check one, the clerk will set a hearing if needed*)

Yes. Hearing Date: _____

Hearing Time: _____

No.

OPPOSITION TO MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT AND COUNTERMOTION

(*Your name*) _____ files this Opposition and Counter-motion to the motion to modify child custody, visitation, and/or child support.

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 opposition to support / oppose a request to change child support. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.

**POINTS AND AUTHORITIES
LEGAL ARGUMENT**

The court may modify or vacate its child custody order at any time. NRS 125C.0045.

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).

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.

A child support order must be reviewed by the court every three years upon request of a parent or guardian. A child support order may be reviewed at any time on the basis of changed circumstances. A change in 20% or more in the gross monthly income of a person subject to a child support order shall be deemed changed circumstances. NRS 125B.145.

OPPOSITION AND COUNTERMOTION

A. Opposition & Countermotion to Modify Child Custody and/or Visitation

1. **Current Custody Order.** The current custody order was filed on *(date)* _____.

2. **Legal Custody.** *This refers to the ability to make major decisions about the child, such as medical care, education, and religious upbringing.* (check one)

The other parent did not ask to change legal custody. Legal custody should stay the same. *(STOP. Go to Section 3)*

I agree to the other parent’s request to change legal custody. *(STOP. Go to Section 3)*

I want legal custody to stay the same because: *(explain)* _____

I want to change legal custody. Listed below are the current legal custody order and the legal custody order I would like the Court to order (*fill out chart*).

Child's Name:	Date of Birth	I Have Now: <input checked="" type="checkbox"/> <i>check one</i>	I Would Like: <input checked="" type="checkbox"/> <i>check one</i>
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody

It is in the best interest of the child(ren) to order the above legal custody because (*explain*):

3. **Physical Custody.** *This refers to the amount of time the child spends with each parent.*
 check one

The other parent did not ask to change physical custody. Physical custody should stay the same. (*STOP. Go to Section 4*)

I agree to the other parent's request to change physical custody. (*STOP. Go to Section 4*)

I want physical custody to stay the same because: (*explain*) _____

I want to change physical custody. Listed below are the current physical custody order and the physical custody order I would like the Court to order (*fill out chart and sections below*).

Child's Name:	Date of Birth	I Have Now: <input checked="" type="checkbox"/> <i>check one</i>	I Would Like: <input checked="" type="checkbox"/> <i>check one</i>
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody

a. **Substantial Change in Circumstances Affecting the 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*):

B. Opposition & Countermotion to Modify Child Support

Not Applicable (check if not applicable, and go to Section C)

5. Current Child Support Order.

(Name of parent ordered to pay child support) _____ is ordered to pay \$_____ per month in child support.

6. Modification. (check one)

I agree to the other parent's request to change child support. (STOP. Go to Section C)

Child support should not be changed because (explain): _____

I want child support changed. My reasons are listed below.

7. Public Assistance. (check one)

I have never received Temporary Assistance for Needy Families (TANF).

I am now or have received Temporary Assistance for Needy Families (TANF) in the past.

8. Parties' Income.

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

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

9. Reason for Modification. I want child support changed because: (check all that apply)

Not applicable.

Child support should be reset based on the change in custody I am requesting.

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 has been more than three years since child support was last reviewed.

The following child(ren) has/have emancipated (write name(s)):

The parties are not following the custodial schedule on which child support was based: (explain the custodial schedule you have been following): _____

It is in the children's best interest to modify child support because *(tell the judge why it is in the children's best interest to change child support)*: _____

10. **Amount Requested.** Child support should be changed so that *(name of parent 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 how you came up with the amount of child support)*: _____

11. **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.

12. **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

13. 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 deny the opposing party’s motion and grant me the relief requested 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 OPPOSITION TO MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT

I declare, under penalty of perjury:

- a. I have read the foregoing opposition, 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 Opposition 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) _____

EXHIBIT 1: Parenting Timeshare and Holiday Schedule

No Visitation Requested Because: (*explain*) _____

<p>Regular Schedule: <i>Be very specific. Include the times and days of the week for each parent's timeshare.</i> <i>(ex.: Mom: Saturday 7pm – Wednesday 3pm, Dad: Wednesday 3pm – Saturday 7pm)</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Summer Schedule:</p>	<input type="checkbox"/> Same as the regular schedule. <input type="checkbox"/> Other: _____
<p>Mother's Day and Mother's Birthday:</p>	<input type="checkbox"/> Mother every year from 9am – 7pm. <input type="checkbox"/> Other: _____
<p>Father's Day and Father's Birthday:</p>	<input type="checkbox"/> Father every year from 9am – 7pm. <input type="checkbox"/> Other: _____
<p>Child's Birthday:</p>	<input type="checkbox"/> <i>Even years</i> with (<i>parent</i>) _____. <i>Odd years</i> with (<i>parent</i>) _____. *Time shall be from 9am – 7pm.* <input type="checkbox"/> Other: _____
<p>3 Day Weekends:</p>	<input type="checkbox"/> <i>Even Years</i> : MLK Jr. Day, Memorial Day, Labor Day with (<i>parent</i>) _____, President's Day, Independence Day, Nevada Admissions Day with the other parent. <i>Odd Years</i> : MLK Jr. Day, Memorial Day, Labor Day with (<i>parent</i>) _____, President's Day, Independence Day, Nevada Admissions Day with the other parent. *Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).* **If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.** <input type="checkbox"/> Other: _____

Easter / Spring Break:	<input type="checkbox"/> Even years with (<i>parent</i>) _____. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input type="checkbox"/> Other: _____
Thanksgiving:	<input type="checkbox"/> Odd years with (<i>parent</i>) _____. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input type="checkbox"/> Other: _____
Winter Break / Christmas:	<input type="checkbox"/> Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. <u>Even years:</u> segment 1 with (<i>parent</i>) _____, segment 2 with the other parent. <u>Odd years:</u> segment 1 with (<i>parent</i>) _____, segment 2 with the other parent. <input type="checkbox"/> Other: _____ _____
Other Holidays:	_____ _____ _____ _____
Vacation:	<input type="checkbox"/> The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). <input type="checkbox"/> Each parent may have up to (<i>number</i>) _____ vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least (<i>number</i>) _____ days before the planned vacation. Vacation time is not allowed during a holiday allotted to the other parent.