

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 FOR PERMISSION TO RELOCATE WITH A MINOR
CHILD AND COUNTERMOTION**

(Your name) _____ files this Opposition and
Counter-motion to the motion for permission to relocate with a minor child.

I. 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.

* You are responsible for knowing the law about your case. For more information on the law, this form, and free classes, visit www.familylawselfhelpcenter.org or the Family Law Self Help Center at 601 N. Pecos Road. To find an attorney, call the State Bar of Nevada at (702) 382-0504.

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.

II. FACTS AND ARGUMENT

A. Opposition & Countermotion Regarding Physical Custody

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

Child’s Name:	Date of Birth

2. **Custody.** (*check one*)

- I want to keep the current physical custody order. (*STOP. Go to Section B*)
- I should be awarded (*check one*) joint physical custody / primary physical custody. *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. My proposed custody order is in the best interest of the child(ren) because (*explain*):

B. Opposition to Request to Relocate

3. **I do not want the other parent to relocate with the children because:**

(*check all that apply*)

- The other parent did not ask my permission to relocate with the minor child(ren).
- The other parent did ask my permission to relocate with the children, but I did not agree because (*Explain why you will not agree to the move*): _____

I do not believe the other parent has a good reason for the move because (*explain*):

I believe the other parent wants to move in order to interfere with my visitation with the children because (*explain*): _____

The move would not improve the quality of life for the children or the other parent because (*explain*): _____

If the other parent moves with the child(ren), there is no realistic visitation schedule that will preserve my relationship with the child(ren) because (*explain*): _____

If the other parent moves with the child(ren), I do not believe the other parent will comply with the new visitation orders because (*explain*): _____

- Other (Explain any other reason you do not want the other parent to move with the child(ren)): _____

C. Opposition & Countermotion to Request to Set or Modify Child Support

- Not Applicable (check if not applicable and go to Section D)

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

5. Child Support. (check all that apply)

- I agree to the other parent’s request regarding child support. (STOP. Go to Section D)
 I disagree with the other parent’s request regarding child support because (explain):

- I would like child support changed (check all that apply):
- 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):

6. Parties’ Income.

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

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

7. **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*):

8. **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.

9. **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: _____

D. 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 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 FOR PERMISSION TO RELOCATE
WITH A MINOR CHILD AND COUNTERMOTION**

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) _____