

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 TEMPORARY CUSTODY, VISITATION, AND/OR  
CHILD SUPPORT, AND COUNTERMOTION**

(*Your name*) \_\_\_\_\_ files this Opposition and  
Counter-motion to the motion for an order granting temporary 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 for temporary 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**

When determining physical custody of a child, the sole consideration of the court is the best interest of the minor child. 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.

**There is a presumption that joint physical custody and joint legal custody would be in the best interest of the child if: 1) the parents have so agreed; or 2) a parent has demonstrated, or attempted to demonstrate but had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the child.** NRS 125C.0025. A court may award one parent primary physical custody if it determines that joint physical custody is not in the best interest of the child. NRS 125C.003.

The court shall also determine child support under NRS 125B.080 and/or in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.620.

**FACTS AND ARGUMENT**

1. **Number of Minor Children.** The parties have (*number*) \_\_\_\_\_ minor children in common.
2. **Paternity.** ( *check one*)
  - Paternity is not disputed.
  - Paternity needs to be determined.  A DNA test is requested.

3. **Children's Residency.** The minor children's names, dates of birth, states and lengths of residence are as follows:

Child's Name:	Date of Birth	State of Residence:	How long child has lived in the state:	Disability

4. **Jurisdiction.** ( *check one*)

- The children are residents of Nevada and have lived in Nevada for at least the past 6 months. This Court has the necessary UCCJEA jurisdiction to enter custody orders.
- The children have not lived in Nevada for the past 6 months, however, Nevada should take jurisdiction over custody because: *(explain why Nevada is the proper state to issue custody orders)*: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

## OPPOSITION & COUNTERMOTION

### A. Opposition & Countermotion for Temporary Custody & Visitation

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

- I agree to the other party's request for temporary legal custody (*STOP. Go to Section 6*).
- I do not agree with the other party's request for temporary legal custody. ( *check one*)
- The parties should have joint legal custody of the minor children.
- The court should grant *(name of parent)* \_\_\_\_\_ sole legal custody of the children because *(explain)*: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

6. **Physical Custody.** *Physical custody refers to the amount of time the child spends in the care of each parent. ( check one)*

Joint physical custody exists when each parent has physical custody of the children at least 40% (146 days) of the time calculated over a one year period.

Primary physical custody exists when one parent has physical custody of the children more than 60% (219 days) of the time calculated over a one year period.

- I agree to the other party's request for temporary physical custody (*STOP. Go to Section 7*).
- I do not agree to the other party's request for temporary physical custody. ( check one)
  - The parties should have joint physical custody with a timeshare as proposed in Exhibit 1.
  - Primary physical custody of the minor children should be granted to (*name of parent*) \_\_\_\_\_ with the other parent having visitation as proposed in Exhibit 1.
  - Sole physical custody of the minor children should be granted to (*name of parent*) \_\_\_\_\_.

7. **Holiday Visitation.**

- I agree to the other party's request for holiday visitation. (*STOP. Go to Section 8*).
- I do not agree with the other party's request for holiday visitation. My proposed holiday visitation schedule is attached as Exhibit 1. The holiday visitation schedule should control when in conflict with the regular visitation schedule.

8. **Best Interest of the Children.** ( check one)

- I agree that the other party's requests for temporary legal custody, physical custody, and visitation are in the best interests of the child(ren). (*STOP. Go to Section 9*).
- I do not agree to the other party's requests for legal custody, physical custody, and/or visitation. My proposed custody and visitation arrangements are in the children's best



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

- I agree to the other party's request for child support. (*STOP. Go to Section C*).
- I do not agree to the other party's request for child support. ( *check one*)
  - Child support is being handled through the District Attorney, Family Support Division, case (*insert case number*) R\_\_\_\_\_ and should continue as ordered in that case.
  - Based on my proposed physical custody arrangement, (*name of parent who should pay child support*) \_\_\_\_\_ should pay (*amount*) \$\_\_\_\_\_ 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 FOR TEMPORARY CUSTODY, VISITATION, AND/OR CHILD SUPPORT & 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)* \_\_\_\_\_

## EXHIBIT 1: Parenting Timeshare and Holiday Schedule

No Visitation Requested Because: (*explain*) \_\_\_\_\_

<p>Regular Schedule:  <b><i>Be very specific. Include the times and days of the week for each parent's timeshare.</i></b>  <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. <b>Vacation time is not allowed during a holiday allotted to the other parent.</b>