

**JOINT PETITION
TERMINATION OF DOMESTIC PARTNERSHIP
With Children**

REQUIREMENTS

MUST ANSWER "YES" TO ALL OF THE FOLLOWING TO CONTINUE WITH TERMINATING A DOMESTIC PARTNERSHIP.

- ✓ Do you and your partner agree that you're incompatible and wish to terminate a domestic partnership?
- ✓ Was the domestic partnership entered into more than 5 years ago?
- ✓ Does the partner that lives in Nevada plan to continue living in Nevada indefinitely.
- ✓ Do you and your partner agree on the division of any and all debts/community assets, alimony and (if you have any minor children), child custody, visitation, who will pay child support, and who will provide health insurance?
- ✓ Do you and your partner agree to sign and notarize all court documents?

FIRST PARTNER INFORMATION

Full Legal Name

Phone Number

Complete Address

Date of Birth

Email Address

SS#

Mailing Address of First Partner, if different from above

Driver's License No.

State

Employer

Employer's Address

Employer's Phone Number

SECOND PARTNER INFORMATION

Full Legal Name

Phone Number

Complete Address

Date of Birth

Email Address

SS#

Mailing Address of Second Partner, if different from above

Driver's License No.

State

Employer

Employer's Address

Employer's Phone Number

Who has been a resident of the State of Nevada for at least six weeks prior to filing this petition *and* intends to make Nevada his/her home for an indefinite period of time?

First Partner

Second Partner

Date of Marriage

City and State of Marriage

Choose One:

Neither partner is pregnant

A partner is pregnant

Which partner is pregnant?

First Partner

Second Partner

Is the other partner the parent of the unborn child?

Yes

No

When is the due date of the unborn child?

FORMER NAME(S)

Does the First Partner wish to return to a former name?

Yes

No

If Yes, insert full name First Partner wishes to return to.

Does the Second Partner wish to return to a former name?

Yes

No

If Yes, insert full name Second Partner wishes to return to.

RESIDENT WITNESS INFORMATION (*a resident witness is a third party that is over the age of 18 that sees the Nevada partner at least 3-4 times a week and will sign an affidavit for the court verifying that the Nevada partner lives in the State of Nevada*).

Name:

Address:

Date Resident Witness moved to Nevada:

Date Resident Witness met the Resident in Nevada:

What is the relationship between the Resident Witness and the Resident? (ex. co-worker, friend, relative, etc.)

COMMUNITY ASSETS TO DIVIDE (if applicable)

It is a good idea to include the last 4 digits of account numbers, VIN numbers, and parcel numbers for real estate.

List the asset(s) the First Partner will retain/keep.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

(use additional notes/instructions section to add more assets)

List the asset(s) the Second Partner will retain/keep.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

(use additional notes/instructions section to add more assets)

COMMUNITY DEBTS TO DIVIDE (if applicable)

It is a good idea to include the last 4 digits of account numbers, VIN numbers, and parcel numbers for real estate.

List the debt(s) the First Partner will be financially responsible for.

Name of Creditor	Last 4 digits of acct#
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

(use additional notes/instructions section to add more debts)

List the debt(s) the Second Partner will be financially responsible for.

Name of Creditor	Last 4 digits of acct#
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	

(use additional notes/instructions section to add more debts)

Do you need a Qualified Domestic Relations Order (QDRO)? Yes No

When a couple divorces in Nevada, all community property should be divided equally, as Nevada is a community property state. This does include instruments like retirement accounts and insurance policies, or at least the portion that was paid in during the marriage. However, such accounts cannot simply be divided by handing a lump sum to the other person. A document called a Qualified Domestic Relations Order (QDRO) empowers the relevant authorities to divide your retirement accounts in the appropriate ways, but it must be executed correctly.

Normally, when you create a 401(k) or money purchase plan through your employer, its proceeds can only be disbursed to one specified payee. That person will receive the proceeds when the plan allows for disbursement. If your retirement account was created prior to your marriage, it is important to keep in mind that the portion you contributed during your single period is your sole property, and thus not divisible by the court. Only the money paid in while you were married is community property.

Because most retirement accounts are controlled by private plan administrators, they cannot simply be divided. The QDRO is a document which allows the plan administrator to disburse a portion of the account's funds to an alternate payee – usually the ex-spouse of the account holder – while still preserving the privacy rights of the plan's other participants. Indeed, the existence of a valid QDRO creates the right of the alternate payee to receive a portion of the account holder's benefits.

ALIMONY (Spousal Support) *(choose one option):*

Each of the Petitioners hereby give up any and all right to spousal support (alimony) or any other monetary claim each may have against the other for support or maintenance.

Wife shall receive spousal support in the amount of \$ _____, per _____ week or _____ month, due and payable on the _____ day of the _____ week or _____ month for a period of _____ weeks or _____ months. The support shall begin on _____, and end _____.

Husband shall receive spousal support in the amount of \$ _____, per _____ week or _____ month, due and payable on the _____ day of the _____ week or _____ month for a period of _____ weeks or _____ months. The support shall begin on _____, and end _____.

CHILD(REN) INFORMATION - *(includes all biological and/or adopted children of the parties under the age of 18 - do not include stepchildren. The minor child(ren) must have resided in the State of Nevada for at least the past six months in order for Nevada to have jurisdiction regarding any issues with the child(ren)).*

Full Legal Name of 1 st Child	Date of Birth
Current Address	SS#
Date when child first started living at the current address?	Male Female

Full Legal Name of 2nd Child

Date of Birth

Current Address

SS#

Date when child first started living at the current address?

Male

Female

Full Legal Name of 3rd Child

Date of Birth

Current Address

SS#

Date when child first started living at the current address?

Male

Female

Full Legal Name of 4th Child

Date of Birth

Current Address

SS#

Date when child first started living at the current address?

Male

Female

Full Legal Name of 5th Child

Date of Birth

Current Address

SS#

Date when child first started living at the current address?

Male

Female

CHILD CUSTODY - There are two types of custody, Legal Custody and Physical Custody.

Legal Custody (who makes decisions about the child(ren)): Legal custody refers to the basic responsibility for a child and the parent's ability to access information and make major decisions that affect the child, including the child's healthcare, education, and religious upbringing. There are two kinds of legal custody:

- **Joint Legal Custody:** Judges generally must award both parents joint legal custody so that both parents can make major decisions about the child.
- **Sole Legal Custody:** This gives one parent the right to make major decisions concerning the child. This is not ordered very often.

Physical Custody (where the child(ren) spends his/her time): Physical custody refers to the amount of time the children spend with each parent. There are three different types of physical custody a judge can order:

- **Joint Physical Custody:** Each parent has the children at least 40% of the time. This amounts to at least 146 days per calendar year. Judges must generally award joint physical custody to both parents unless certain exceptions apply. With joint physical custody, each parent has significant periods of time with the child. It DOES NOT MEAN that each parent has an exact equal amount of time with the child. The significant time may be worked out over longer periods such as weekly, monthly, or even annually. This may also be designated as shared physical custody. Joint physical custody does not mean that there will be no child support obligation. Usually, there is still a child support obligation of some kind from one parent to the other, depending upon the financial position in which each is left following the separation.
- **Primary Physical Custody:** One parent has the children more than 60% of the time during the year. The other parent will have "parenting time" or "visitation."
- **Sole Physical Custody:** One parent has the children 100% of the time, and the other parent has no visitation or extremely limited (possibly supervised) visitation. This is not ordered very often.

Legal Custody (*choose one*):

The parties agree to share JOINT LEGAL CUSTODY of the child(ren).

The parties agree that SOLE LEGAL CUSTODY of the child(ren) should be granted to the:

First Partner

Second Partner

Nevada is not the "home state" of the child(ren) and cannot enter custody orders.

Physical Custody (*choose one*):

The parties agree to share JOINT PHYSICAL CUSTODY of the child(ren) (each parent must have the child(ren) at least 40% of the time, or 146 days per year).

The petitioners agree that PRIMARY PHYSICAL CUSTODY of the minor children should be granted to the:

First Partner

Second Partner

The parties agree that SOLE PHYSICAL CUSTODY of the minor children should be granted to the:

First Partner

Second Partner

Nevada is not the "home state" of the child(ren) and cannot enter custody orders.

**PARENTING AND
HOLIDAY SCHEDULE**
**REGULAR
SCHEDULE:**

Be very specific. Include times and days of the week for each parent's timeshare with the child(ren).

(Ex. Parent 1 will have the child(ren) every Sunday at 6:00 p.m. until Thursday morning drop off at school; Parent 2 will have child(ren) the remainder of the time.

SUMMER SCHEDULE:

- Same as Regular Schedule
- Other: (explain)

**MOTHER'S DAY and
MOTHER'S
BIRTHDAY:**

- MOM every year from 8:00 a.m. - 8:00 p.m.
- Other: (explain)

**FATHER'S DAY and
FATHER'S BIRTHDAY:**

- FATHER every year from 8:00 a.m. - 8:00 p.m.
- Other: (explain)

CHILD'S BIRTHDAY:

- EVEN years with (parent) _____; ODD years with the other parent.
- EVERY year will be shared with both parents or time split as follows:

3 DAY WEEKENDS:

- EVEN Years: MLK Jr. Day, Memorial Day, and Nevada Day, with (parent) _____; and President's Day, Labor Day, Veteran's Day with the other parent.

ODD Years: MLK Jr. Day, Memorial Day, and Nevada Day, with (parent) _____; and President's Day, Labor Day, Veteran's Day with the other parent. *Time begins when school lets out the day before the holiday weekend and ends the day following the holiday weekend when school resumes (or 9:00 a.m.).
- Other: (explain)

4th OF JULY:

- EVEN years with (parent) _____; ODD years with the other parent.
- Other: (explain)

**EASTER / SPRING
BREAK:**

- EVEN years with (parent) _____; ODD years with the other parent. **Time begins when school lets out the day before the holiday weekend and ends the day following the holiday weekend when school resumes (or 9:00 a.m.).*
- Other: (explain)

**THANKSGIVING
HOLIDAY:**

- EVEN years with (parent) _____; ODD years with the other parent. **Time begins when school lets out the day before the holiday weekend and ends the day following the holiday weekend when school resumes (or 9:00 a.m.).*
- Other: (explain)

HALLOWEEN:

- EVEN years with (parent) _____; ODD years with the other parent.
- Other: (explain)

**WINTER BREAK /
CHRISTMAS / NEW
YEARS:**

- EVEN years: Segment 1 with (parent) _____; Segment 2 with the other parent.
- ODD years: Segment 1 with (parent) _____; Segment 2 with the other parent.
- * Segment 1: (Christmas) consists of the day school lets out until December 26 at noon; Segment 2 (New Years) consists of December 26 at noon until noon the day before school resumes.*
- Other: (explain)

VACATION:

- The parents will not establish formal vacation plans and will instead mutually agree on vacation days and times with the child(ren).
- Each parent may have up to _____ vacations days per year with the child(ren). The parents shall notify the other of the vacation and provide a general vacation itinerary at least _____ days before the planned vacation. *Vacation time is not allowed during a holiday allotted to the other parent.*
- Other: (explain)

**OTHER SPECIAL
DAYS OR HOLIDAYS:**

CHILD SUPPORT - Child support is set based on a percentage of the parents "gross monthly income." Gross monthly income includes pre-tax income from all sources, including employment, tips, overtime, unemployment, and retirement. Each parent will have to provide the judge and the other parent with a financial statement, paystubs, and possibly prior tax returns so each parent's income can be determined.

- ✓ Complete *Worksheet A* if one party is going to have *Primary Physical Custody* of the child(ren) to determine the child support amount.

If one parent has primary or sole physical custody, the other parent will pay the following in child support:

1 child = 18% of income

2 children = 25% of income

3 children = 29% of income

For each additional child, add 2% of income

OR

- ✓ Complete *Worksheet B* if the parties will share *Joint Physical Custody* of the child(ren) to determine the child support amount.

If the parents share Joint Physical Custody, the court will calculate child support for both parents based on the percentages above. Then, the court will subtract the lower amount from the higher amount, and the parent with the higher income pays the difference.

* Parents are expected to pay a minimum of \$100/mo per child in child support even if the paying parent has no income. There is also a presumptive maximum amount of child support that can be ordered for higher earning parents.

If a parent is not employed, absent disability or some other compelling reason why they can't work, the court will set child support at a minimum of \$100 per month, and will typically order that the parent search for full-time employment. If the court deems a parent to be voluntarily unemployed or underemployed, then the court can set the amount at \$100 per month, or it can "impute" income (meaning it assumes for the purposes of child support) of an amount consistent with what that person should be able to earn, given their skills and experience. Thus, a parent who plays games in order to reduce the monthly obligation can be forced to pay the support that they should pay were they being honest about their employment.

* Deviations - in rare cases, child support amounts can be deviated from the above formula. The factors allowing deviation are:

- (a) The cost of health insurance;
- (b) The cost of child care;
- (c) Any special educational needs of the child;
- (d) The age of the child;
- (e) The legal responsibility of the parents for the support of others;
- (f) The value of services contributed by either parent;
- (g) Any public assistance paid to support the child;
- (h) Any expenses reasonably related to the mother's pregnancy and confinement;
- (i) The cost of transportation of the child to and from visitation if the custodial parent moved with the child from the jurisdiction of the court which ordered the support and the noncustodial parent remained;
- (j) The amount of time the child spends with each parent;
- (k) Any other necessary expenses for the benefit of the child; and
- (l) The relative income of both parents.

HEALTH INSURANCE FOR CHILD(REN)

Who will carry health insurance for the child(ren)?

First Partner

Second Partner

Both Partners

Which parent should pay for any uninsured medical expenses (co-pays, deductibles, etc.) for the child(ren)?

First Partner

Second Partner

Both Partners

“30/30 Rule” - Do you want to use this rule?

Yes

No

This rule helps guide parents in how to pay uninsured medical expenses. This rule requires the parents to follow these guidelines for payment.

1. A parent who pays a medical or dental expense for a child has 30 days to send proof of the expenses to the other parent.
2. The other parent then has 30 days to reimburse the other parent half the cost.

TAX EXEMPTION FOR CHILD(REN) (choose one):

Who will claim the child(ren) as a tax exemption?

First Partner in all years.

Second Partner in all years.

First Partner in ODD years and Second Partner in EVEN years.

Second Partner in ODD years and First Partner in EVEN years.

Other arrangement:

DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION ENFORCEMENT ACT (UCCJEA)

List the periods of residence and places where each child has lived ***within the last 5 years***, and the name(s), present address and relationship to the child(ren) of each person (all adults) with whom the child(ren) has lived during that time period.

1st Child's Name

Period of Residence

Address

Person(s) with whom
the child lived

Relationship

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

2nd Child's Name

Period of Residence

Address

**Person(s) with whom
the child lived**

Relationship

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

3rd Child's Name

Period of Residence

Address

**Person(s) with whom
the child lived**

Relationship

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

4th Child's Name

Period of Residence

Address

**Person(s) with whom
the child lived**

Relationship

_____ / _____

_____ / _____

_____ / _____

_____ / _____

_____ / _____

Answer each statement.

1. **I/We** **have** **have not** participated as a party, witness, or in any other capacity in any other litigation or custody proceeding in this or any other state concerning custody of a child involved in this proceeding. If you checked “**have**” above, please supply the following information about the other proceeding(s).

a. Name of each child involved:

b. Your role in other proceeding(s):

c. Court, state and case number of other proceeding(s):

d. Date of court order or judgment in other proceeding(s):

2. **I/We** **do** **do not** know of any proceeding that could affect the current proceeding including proceedings for enforcement and proceedings related to domestic violence, protective orders, termination of parental rights and adoptions pending in a court of this or any other state concerning a child involved in this proceeding other than listed above. If you checked “**do**”, please supply the following information about the other proceeding(s).

a. Name of each child involved:

b. Your role in other proceeding(s):

c. Court, state and case number of other proceeding(s):

d. Date of court order or judgment in other proceeding(s):

3. I/We do do not know of any person not a party to this proceeding who has physical custody or claims to have custody or visitation rights with respect to any child subject to this proceeding. If you checked “do”, please supply the following information and *check* appropriate boxes below:

a. Name and address of person(s):

Person named has physical custody of (name of child):

Person named claims custody rights as to (name of child):

Person named claims visitation rights with (name of child):

Additional Notes/Instructions: