

DEFINITIONS AND EXPLANATIONS

Complaint: A complaint is a legal document which begins a case. Annulments, separate maintenance cases, and cases involving custody or paternity where the parents have never been married begin by filing a Complaint (i.e., Complaint for Annulment). Divorce cases where the parties do not agree or where one of the parties cannot be found are also started by filing a Complaint. The Complaint must be served with a Summons and the person serving these documents must file proof that he/she served them with the Clerk's Office.

Temporary Orders: Temporary orders are orders that the judge makes any time before the trial. They can cover any topic in your case (custody, visitation, possession of the house, spousal support, etc.).

Parenting Course/ "Cope Class:" If the parties have children together, they must attend a class to learn how their children will be affected by the divorce. The class lasts a few hours. You have 45 days from the date the Complaint was served to complete the class, and a certificate of completion filed, it must be filed prior to your divorce being entered. These classes are offered in-person and online for a small fee.

Mediation: If you and the other party have children together and you are not going to agree on custody and visitation, both of you must attend mediation. You will usually be ordered by the judge to attend mediation at the Family Mediation Center located at Family Court. Mediation will be conducted without attorneys present.

Answer or Answer and Counterclaim: An Answer is a document that you may use if you want to respond to a Complaint. A Counterclaim is a lawsuit that you file against the Plaintiff. An Answer or an Answer and Counterclaim must be filed and served within 21 days from the date the Complaint was served. It tells the Court what parts of the Complaint you agree with, what parts of the Complaint that you do not agree with, and any additional matters you want the judge to decide. The rules about jurisdiction are very complicated and you could lose valuable rights if you file the wrong document.

Reply: The Reply is the document used by the Plaintiff to respond to a Counterclaim.

Resident Witness: A witness who lives in Nevada who can testify from his or her personal knowledge that you have lived in Nevada for at least six weeks prior to the divorce action being filed with the court.

Retainer: A retainer is the initial fee paid by the client to being represented by the attorney. The retainer is placed in a special account called a client trust account, against which the fees for your legal matter will be billed until it is completed. If the initial retainer is insufficient, the attorney may ask you for additional funds to be used in the same manner. Likewise, unused funds at the end of your case remain the property of the client and will be reimbursed to the client after all expenses are paid.

Motion: Papers filed with the Court asking for specific action to be taken by the court at a hearing. Examples of Motions are: Motion to Establish Custody, Motion for Exclusive Possession of the Marital Residence, Motion to Modify Custody, Motion to Modify Child Support, Motion for Contempt, etc.

Costs: Filing fees, process server charges, copying charges, postage, court reporter charges, delivery/court runner charges, etc., are expenses which are known as “costs” and are normally paid by the client in addition to the lawyer’s fees. Costs are in addition to the attorney’s bill for his or her time and effort.

Case Management Conference: This is a court hearing set by the Court where the judge, the parties and their attorneys meet and talk about the “Discovery Plan” (the plan to exchange information that will be needed for the trial), schedule the trial date and other deadlines in the case, and discuss the possibility of settlement.

Discovery: This is how the parties exchange information about their side of the case. The Nevada Rules of Civil Procedure outline the types of discovery and the rules for discovery.

Calendar Call: This is a court hearing between the parties and either the judge to confirm the trial date.

Pretrial Settlement Conference: This is a meeting between the parties (or their attorneys) to create a plan for the trial (i.e., decide what evidence can be admitted without objection, etc.) It is scheduled by the parties and should be set as close to the trial date as possible. This conference can be helpful but it is not mandatory.

Trial: This is the hearing where you give all of your evidence to the judge. You can have witnesses (including yourself) and documentary evidence (paper, pictures, videos, etc.). You should review the Nevada Revised Statutes regarding the admission of evidence before the trial.

Default: If the defendant did not timely file his/her Answer (or other appropriate document), then he/she is in “default.” Generally, when the defendant is in default, the judge will usually give the Plaintiff what he/she asked for in the Complaint.

“Prove-Up” Hearing: A “prove-up” hearing is a short hearing before the judge when a case has settled or is uncontested in which the terms of a settlement or final resolution are told to the judge and “put on the record.”

Request for Summary Disposition: If your case is uncontested or has settled, you may ask a judge sign your Decree based on the paperwork. The paperwork takes the place of the testimony that you would give at a “prove-up” hearing (see above).

Decree: A Decree is the document that puts the final terms of your case into writing. Either side can prepare the Decree. If your case had a trial, the judge may tell one party to prepare the Decree.

Parenting Plan: An agreement between the parents setting forth a holiday/vacation schedule, the custodial time share, regarding and setting forth each parents' rights and responsibilities for the children.

Notice of Entry of Order/ Waiver of Notice of Entry of Order: The Notice of Entry of Order is the document that tells the other party that the Order has been filed. It also affects the timing for rights for both parties (i.e., to appeal the judge's decision, to ask the judge to reconsider his/her decision, etc.). If the other party has not waived his/her right to the Notice, then a Notice of Entry must be filed and served on that party. **YOUR CASE IS NOT OVER UNTIL: 1) THE JUDGE HAS SIGNED THE DECREE OR ORDER, 2) THE DECREE OR ORDER HAS BEEN FILED AT THE CLERK'S OFFICE, AND 3) THE NOTICE OF ENTRY OR THE WAIVER OF THE NOTICE OF ENTRY HAVE BEEN FILED AT THE CLERK'S OFFICE.**