

JOINT PETITION FOR DIVORCE

(WITHOUT CHILDREN)

INSTRUCTIONS FOR FILLING IN FORMS

CAREFULLY READ THROUGH ALL OF THE INSTRUCTIONS BEFORE
FILLING OUT ANY OF THE FORMS.

*Use blue ink only to fill out the forms and neatly print the information requested.
Do not use white-out or other correction fluid/tape on the forms. Original documents
containing white-out will not be accepted by the Court.*

***INCORRECT OR INCOMPLETE DOCUMENTS MAY RESULT IN A DELAY IN
THE COURT PROCESSING THE PETITION OR MAY RESULT IN A DISMISSAL
OF THE CASE. IF THE CASE IS DISMISSED, PETITIONERS WOULD BE
REQUIRED TO FILE A NEW CASE AND PAY THE REQUIRED FEES.***

Included in this packet are the following forms:

1. Civil Cover Sheet
2. Joint Petition for Summary Decree of Divorce without Minor Children
Form, Wife's Verification with acknowledgement and Husband's
Verification with acknowledgement
3. Affidavit of Resident Witness Form (this must be filled in and signed by a
witness for one of the Petitioners stating the witness declares that the
person has been present in the State of Nevada for six (6) weeks prior to
the filing of the documents.)
4. Joint Request for Submission Form
5. Decree of Divorce Form
6. Exhibit A Cover Sheet

The Penalty for making a false statement in an affidavit that is made under penalty of perjury is a minimum of 1 year and a maximum of 4 years in prison, with the possibility of an additional fine of \$5,000.00 or more if authorized or required by statute.

See NRS 199.145

DISCLAIMER

The information provided is intended as a courtesy only. Many family law matters involve complex and valuable legal rights which cannot adequately be protected without the assistance of an attorney. The information provided is basic, general information that does not fit all situations. It is the duty of each self-represented individual to know what rules of court and law apply.

Elko County, the Fourth Judicial District Court, the Clerks Office, and their employees shall not be liable for errors contained herein or for direct, indirect, special, or consequential damages in connection with the furnishing of this material. Employees of the Court and the Clerks Office **CANNOT** and **WILL NOT** provide legal advice.

GENERAL INFORMATION

A spouse may obtain a divorce in Nevada if that spouse has a statutory ground for divorce and has lived in Nevada for at least six weeks prior to filing.

There are three main statutory grounds for divorce: (1) Incompatibility, (2) Insanity for two years prior to the action, and (3) Spouses living separate and apart for more than one year.

STEP 1

Filling Out the Civil Cover Sheet

Each party must fill in one side of the top portion of the sheet with their name, address, telephone number and date of birth.

Check the box labeled “Marriage Dissolution Case.” Below this heading, also check the box indicating Joint Petition –Joint Petition without children.

One of the parties must sign his or her name at the bottom of the form.

STEP 2

Filling Out the Joint Petition Form

At the top left corner, fill in name, mailing address and telephone number of each party.

Fill in the wife’s name and husband’s name. You will be assigned a Case No. and your case will be assigned to Department 1 or 2 when you file the petition with the Court.

Fill in the Petition, following the directions on each page. If the information is not complete, the divorce cannot be granted.

Be sure you are familiar with the terms and definitions regarding assets and debts and the division of community property as well as spousal support. Complete the remainder of the pages as indicated.

Both parties must sign, initial, and date where indicated in the petition.

STEP 3

Filling Out Affidavit of Resident Witness

In order to be divorced in Nevada, at least one of the parties must have lived in Nevada for more than 6 weeks prior to the filing of the divorce with the Court. This party is called the **Resident Party**. Only one Resident Party is required.

The Affidavit must be filled out by someone who is not a party to this case, who is 18 years of age or older, is a resident of the State of Nevada and who personally knows that the Resident Party has been physically present in Nevada for at least six (6) weeks prior to the filing of documents. This person is called the **Resident Witness**.

Fill in the name, address and phone number of the Resident Party.

Fill in wife's name and husband's name in the same order you have on all other documents in this case.

The Resident Witness must complete the Affidavit.

The Resident Witness must sign the Affidavit before a Notary Public. The Affidavit should be executed (dated) on the date the Joint Petition is filed.

Both parties must complete and submit a verification form before a Notary Public.

The Notary will fill in the State of line and the County of line. Wife and Husband will sign the document before the Notary Public.

The Notary will then sign and seal the verification and the acknowledgement.

It is important that the Notary seal both the verification and the acknowledgement or this document will not be accepted and the Joint Petition will not be granted.

STEP 4

Filling Out the Joint Request for Submission Form

Fill in the information as directed on the form, starting with the names, addresses and telephone numbers in the upper left corner.

Each party must sign and print his and her name.

STEP 5

Filling Out the Information on the Decree of Divorce Form

Fill in the information as directed. Do not fill in the date on the last page. The Judge will fill in the date when the Decree is signed.

Print and sign your names on the last page and fill in your address.

Staple Exhibit A – Cover Sheet to a file stamped copy of Joint Petition. Attach Exhibit A and Petition to the Original Decree of Divorce for submission to the Court.

STEP 6

Copying and Filing Documents

Make four (4) copies of all documents. Take the original and the three (3) copies to the Elko County Clerk's Office at 550 Court Street, 3rd Floor of the Annex Building, Elko Nevada.

There will be a filing fee of \$294.00 that is payable by cash, check or credit card. American Express is not accepted.

FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file an Application to Waive Fees and Costs, along with a Proposed Order Regarding Waiver of Fees and Costs.

The Clerk's office will keep the original documents and return the file-stamped copies to you for your personal records.

If you provide a self-addressed, stamped, 8" x 11" manila envelope when you file your documents, a copy of the Decree of Divorce will be mailed to you after it is signed by the Judge.

If you do not include an envelope your filed Decree of Divorce will be placed in the General Pick Up box in the foyer of the Clerk's Office.

You will **NOT** be contacted by the Clerk's office or the Court when the Decree has been signed.

You may call 775-753-4600 and check the status of your case at anytime. Please have your case number ready when you call. The waiting period for a properly filed and supported Divorce Decree is approximately three weeks, but this time period may vary.

CIVIL (FAMILY/JUVENILE-RELATED) COVER SHEET

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff/Petitioner (name/address/phone):	Defendant/Respondent/Co-petitioner (name/address/phone):
D.O.B.	D.O.B.
Attorney (name/address/phone):	Attorney (name/address/phone):
Will an Interpreter be required for court hearings? Yes <input type="checkbox"/> No <input type="checkbox"/>	Will an Interpreter be required for court hearings? Yes <input type="checkbox"/> No <input type="checkbox"/>
Contact court clerk for further information about interpreters	

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

Family-Juvenile Related Cases

Domestic Relations Case Filing Types	Other Family Related Case Filing Types
<input type="checkbox"/> Marriage Dissolution Case <input type="checkbox"/> Annulment <input type="checkbox"/> Divorce - With Children <input type="checkbox"/> Divorce - Without Children <input type="checkbox"/> Foreign Decree <input type="checkbox"/> Joint Petition - With Children <input type="checkbox"/> Joint Petition - Without Children <input type="checkbox"/> Separate Maintenance	<input type="checkbox"/> Request for Temporary Protective Order <input type="checkbox"/> Request for Extended Temporary Protective Order <input type="checkbox"/> Other Domestic Relation Case Filings <input type="checkbox"/> Name Change <input type="checkbox"/> Permission to Marry <input type="checkbox"/> Other Domestic Relation Filings <input type="checkbox"/> Mental Health
<input type="checkbox"/> Paternity <input type="checkbox"/> Custody (Non-Divorce) <input type="checkbox"/> Support (Non-Divorce) <input type="checkbox"/> Intrastate (Title IV-D) <input type="checkbox"/> Other Support (Non-Title IV-D) <input type="checkbox"/> Visitation (Non-Divorce) <input type="checkbox"/> Termination of Parental Rights (TPR) <input type="checkbox"/> Other TPR Petition	Guardianship Case Filing Types <input type="checkbox"/> Guardianship of an Adult <input type="checkbox"/> Guardianship of a Minor <input type="checkbox"/> Guardianship Trust Estimated Estate Value: _____
<input type="checkbox"/> Adoptions <input type="checkbox"/> Adult <input type="checkbox"/> Minor	Juvenile-Related Case Filing Types <input type="checkbox"/> Miscellaneous Juvenile Petition <input type="checkbox"/> Emancipation Petition

Children involved in this case:

Name: _____	DOB: _____
Name: _____	DOB: _____
Name: _____	DOB: _____

Date

Signature of initiating party or representative

*For Clark and Washoe Counties, please use their Family Court Cover Sheet for family-related case filings.
Please see the Family Court Clerk in those counties for copies of their forms.*

1 **Wife's name:** _____

2 Mailing Address: _____

3 _____

4 Telephone: _____

5 **Husband's name:** _____

6 Mailing Address: _____

7 _____

8 Telephone: _____

9
10 **IN THE FOURTH JUDICIAL DISTRICT COURT**
11 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO**
12

13 In the Matter of the Marriage of

Case No. _____

14 _____
(Wife's name)

Dept No. _____

15 and

16 _____
(Husband's name)

17 Joint Petitioners
18

19 **JOINT PETITION FOR DIVORCE**

20 The parties hereby petition this Court, pursuant to the terms of Chapter 125 of the Nevada
21 Revised Statutes, to grant them a Divorce. Petitioners respectfully show, and under oath state, to
22 the Court that every condition of NRS 125.181 has been met and further state as follows:

23 **I.**

24 The parties married on _____
25 (Date of Marriage, including month, day, year)

26 at _____
27 (City/State)

28 and ever since have been, and still are Husband and Wife.

1
2
3 **II.**

4 Husband or Wife has resided six weeks in the State of Nevada before the filing
5 (Circle one or both)
6 of this Joint Petition, continues to be a resident of the State of Nevada and intends to continue to
7 reside in the State of Nevada for an indefinite period.

8 Wife's Mailing Address is:

9 _____
10 _____

11 Husband's Mailing Address is:

12 _____
13 _____
14

15 **III.**

16 The parties are incompatible in marriage and no reconciliation is possible and/or the
17 parties have lived separate and apart for one (1) year without cohabitation.

18 **IV.**

19 Wife _____ pregnant at this time and there are no minor children born to or
20 (is or is not)
21 adopted by the parties through this relationship.

22 **V.**

23 **Division of Property**
24 ***Both parties must initial ONLY ONE of the statements below.***

25 The parties agree:

26 1. _____
Wife Husband

There is no community property to be divided.

27 **-OR-**
28

2. _____
Wife Husband

The community property should be divided as follows:

Wife is to receive the following property

Husband is to receive the following property

(If more room is needed, attach additional sheets. **Each sheet must be initialed by both parties.**)

- 1
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Division of Debts
*Both parties must initial **ONLY ONE** of the statements below.*

Both parties must initial ONLY ONE of the statements below.

1. _____
Wife Husband

-OR-

The community debts should be divided as follows:

Husband is to receive the following debts

[illegible]

4

VII.

Alimony (Spousal Support)

Both parties must initial ONLY ONE of the statements below.

The parties agree:

1. _____
Wife Husband

Each party gives up all rights to receive alimony.

2. _____
Wife Husband

Wife/Husband shall receive alimony in the amount of
(Circle one)

\$ _____ due on the _____ of each month from
_____ to _____.
(Beginning date) (Ending date)

VIII.

Wife's Former Name

Initial ONLY ONE of the statements below. If Wife chooses to have her former name restored, please legibly print Wife's full former name in the space provided.

1. _____
Wife Husband

Wife wishes to retain her current name.

2. _____
Wife Husband

Wife wishes to return to her former name of:

(CLEARLY print full name)

3. _____
Wife Husband

Wife never changed her name and, therefore,
does not request restoration of her former name.

IX.

The parties understand that after a decree of divorce is entered by the Court it shall constitute a final determination of the rights and obligations of the parties with respect to the status of the marriage and the property rights of the parties.

Each party gives up the rights to request findings of fact and conclusions of law, to receive written notice of entry of any decree of divorce, to move for a new trial, and to appeal.

The parties understand that a final decree of divorce does not limit the rights of either party to bring an action to set aside the final decree for fraud, duress, accident, mistake or the grounds recognized at law or in the equity.

WHEREFORE, the parties ask the Court:

1. To grant them a decree of divorce;
2. To ratify, confirm and incorporate into a decree of divorce the agreements of the Parties set forth in this Joint Petition.

This document does not contain the Social Security number of any person.

We declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATE: _____
(Date signed by Wife)

DATE: _____
(Date signed by Husband)

(Wife's signature)

(Husband's signature)

WIFE'S VERIFICATION

STATE OF _____)
_____)
County of _____)

_____, being first duly sworn under
(Wife's name)
penalties of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Joint Petition for Summary
Decree of Divorce and know the contents thereof; that the same is true to the best of my own
knowledge, except as to those matters therein stated upon information and belief, and as to
those matters, I believe them to be true.

(Wife's Signature)

SUBSCRIBED AND SWORN to before me

This ____ day of _____, _____. (Seal)

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF _____)
_____)
County of _____)

On this _____ day of _____, _____, personally
appeared before me, a Notary Public, _____, known as
(Wife's name)
proved to me to be the person who executed the foregoing Joint Petition for Summary Decree of
Divorce, and who acknowledged to me that she did so freely and voluntarily and for the uses and
purposes herein stated.

NOTARY PUBLIC

(Seal)

HUSBAND'S VERIFICATION

STATE OF _____)

County of _____)

_____, being first duly sworn under
(Husband's name)
penalties of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Joint Petition for Summary
Decree of Divorce and know the contents thereof; that the same is true to the best of my own
knowledge, except as to those matters therein stated upon information and belief, and as to
those matters, I believe them to be true.

(Husband's Signature)

SUBSCRIBED AND SWORN to before me

This ____ day of _____, _____. (Seal)

NOTARY PUBLIC

ACKNOWLEDGMENT

STATE OF _____)

County of _____)

On this _____ day of _____, _____, personally
appeared before me, a Notary Public, _____, known as
(Husband's name)
proved to me to be the person who executed the foregoing Joint Petition for Summary Decree of
Divorce, and who acknowledged to me that he did so freely and voluntarily and for the uses and
purposes herein stated.

NOTARY PUBLIC

(Seal)

1 **Wife's name:** _____

2 Mailing Address: _____

3 _____
4 Telephone: _____

5 **Husband's name:** _____

6 Mailing Address: _____

7 _____
8 Telephone: _____

9 **IN THE FOURTH JUDICIAL DISTRICT COURT**
10 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO**

11 In the Matter of the Marriage of

12 Case No. _____

13 _____
14 (Wife's name)

Dept No. _____

15 and

16 _____
17 (Husband's name)

Joint Petitioners

18 **AFFIDAVIT OF RESIDENT WITNESS**

19 I, _____, do hereby declare under penalty of perjury that
20 (Name of Resident Witness)
21 the assertions of this Affidavit are true.

22 1. I am over the age of eighteen and competent to testify of my own knowledge to the
23 following.

24 2. I have lived in the State of Nevada for _____ years and presently live at
_____, city of _____, State of Nevada.

25 (Street address of resident witness)

I intend to live in the State of Nevada for the foreseeable future.

26 3. To my personal knowledge, _____ has
27 (Name of person whose residency is being established)

28 physically lived in the State of Nevada since _____.
(Date you know the person began living in Nevada)

1 4. I see the Petitioner on the average of _____ times a week. The Petitioner is a

2 _____
(Fill in how you know the Petitioner, such as friend, relative, co-worker, etc.)

3 5. I know of my own personal knowledge that _____
(Name of person whose residency is being established)

4 is a bona fide resident of the State of Nevada.

5 Dated this _____ day of _____, 20____.

6 This document does not contain the Social Security Number of any person.

7 I declare under penalty of perjury, under the law of the State of Nevada, that the
8 foregoing statements are true and correct.*

9 Dated this _____ day of _____, 20____.

10
11 Signature: _____
(Signature of Resident Witness making this Affidavit)

12 Printed Name: _____

13 Address: _____

14 _____
(Address of Resident Witness making this Affidavit)

15 Telephone: _____
(Telephone of Resident Witness making this Affidavit)

16
17 SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.

18 _____
19 NOTARY PUBLIC

20 (Seal)

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23 * The Penalty for making a false statement in an affidavit that is made under penalty of perjury is a minimum of 1 year and a
24 maximum of 4 years in prison, with the possibility of an additional fine of \$5,000.00 or more if authorized or required by statute.
25 See NRS 199.145
26
27
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1 **Wife's name:** _____

2 Mailing Address: _____

4 Telephone: _____

5 **Husband's name:** _____

6 Mailing Address: _____

8 Telephone: _____

10 **IN THE FOURTH JUDICIAL DISTRICT COURT**
11 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO**

13 In the Matter of the Marriage of

Case No. _____

14 _____
15 (Wife's name)

Dept No. _____

15 and

16 _____,
17 (Husband's name)

Joint Petitioners.

18 **JOINT REQUEST FOR SUBMISSION**

19 Joint Petitioners, acting in Proper Person, request that their Joint Petition and all related
20 documents be submitted to the Court for consideration and determination.

21 This document does not contain the Social Security Number of any person.

22 DATED this _____ day of _____, 20 ____.

23 Signature: _____

Signature: _____

24 Printed Name: _____

Printed Name: _____

25 Address: _____

Address: _____

27 Telephone: _____

Telephone: _____

1 **Wife's name:** _____

2 Mailing Address: _____

3 _____
4 Telephone: _____

5 **Husband's name:** _____

6 Mailing Address: _____

7 _____
8 Telephone: _____

9
10 **IN THE FOURTH JUDICIAL DISTRICT COURT**
11 **OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO**
12

13
14 In the Matter of the Marriage of Case No. _____

15 _____
16 (Wife's name) and Dept No. _____

17 _____ ,
18 (Husband's name)

19 Joint Petitioners.
20

21 **DECREE OF DIVORCE**
22

23 The Court has considered the Joint Petition for Divorce filed by the parties and finds:

- 24 1. This Court has complete jurisdiction to enter this Decree and the orders
25 regarding the distribution of assets and debts.
26 2. That all of the allegations contained in the documents on file are true.
27
28

1 conclusions of law, to receive written notice of entry of the decree of divorce, to
2 move for a new trial, and to appeal.

3
4
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6 **THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

7 1. The agreements stated in the parties’ Joint Petition for Divorce are ratified,
8 confirmed, and incorporated into this Decree of Divorce.

9 2. The marriage now existing between the parties is dissolved and an absolute
10 Decree of Divorce is granted to the parties, and each of the parties is restored to the status of an
11 unmarried person.

12
13 **THIS IS A FINAL DECREE**

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15 Dated: _____

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17 _____
18 DISTRICT JUDGE
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EXHIBIT A

File stamped copy of the Petitioners' Joint Petition for Decree of Divorce