

“ANSWERS TO YOUR QUESTIONS ABOUT DIVORCE”

What are the grounds for divorce in Nevada?

- * Irreconcilable differences
- * Insanity for two years prior to the action
- * Spouses living separate and apart for more than one year. It is not necessary to make or prove allegations of adultery, mental cruelty, etc. to obtain a divorce in Nevada.

What is the residency requirement necessary before filing a divorce suit?

Six weeks residence in the state. You must provide a witness who lives in Nevada who can testify his or her personal knowledge that you have lived in Nevada for at least six weeks.

What kinds of things will the court decide?

- * Marital Status, unless the case is withdrawn.
- * Division of any property held in common (community property or joint-tenancy property) and what property is the separate property of the husband or the wife.
- * Whether either spouse will receive an award of support (alimony) from the other spouse.
- * Whether one or both parents has legal custody of any children, the amount of physical custody time each parent gets with the children, and if child support should be paid by one parent to the other, and, if so, how much it will be.
- * Resolution of all issues between the parties *if the court acquires jurisdiction over both the husband and the wife*. If the spouse you are divorcing does not make a legal “appearance” in the action, and if that spouse has significant contact with Nevada, the court will only be able to address marital status and such property and (sometimes) such children as are in the state.

How does the court divide the property?

The courts will, to the extent practicable, divide the “community property” equally. In the rare and exceptional instances, the court may find compelling reasons to divide the property unequally. If it makes an unequal division, the court must support its decision with written reasons. Under some circumstances, the court may trace back to one party separate property invested in community property, or vice versa.

Can a husband and wife agree on how to divide their property?

Yes, if the agreement is written and is approved by a court in the divorce proceeding. Provision must be made for child support if there are any children and for payment of debts.

If the couple signed a prenuptial (ante-nuptial) agreement before the marriage, can it be enforced?

A prenuptial agreement for support and division of property may or may not be upheld, depending upon the circumstances. Both prospective spouses should seek legal counsel before signing such an agreement.

What is the basis for a child custody determination by the court?

First and foremost, the best interest of the child, taking into account the ability of each spouse to raise the child, what would be the most stable environment for the child and other factors. The

respective spouses may be required to submit to an evaluation by officers of the court to determine these factors.

What provision does Nevada make for child support payments?

Ordinarily, the spouse who has primary custody of a child will be awarded child support. In Nevada, the precise child support amount is determined as a percentage of the non custodial parent’s gross monthly income (income before taxes and any other deductions are taken out):

- * 1 child: 18 %
- * 2 children: 25 %
- * 3 children: 29 %
- * add 2 % for each additional child

In Nevada, with rare exceptions, the minimum per child is \$100 per month. Until July 1, 2002, the maximum per child is \$500 per month. However, beginning July 1, 2002, the presumptive maximum will be tied to income ranges:

<i>If the Parent’s Gross Monthly Income is at Least:</i>	<i>But Not Greater Than:</i>	<i>The Presumptive Max Per Month Per Child Is:</i>
<i>\$0</i>	<i>\$4,167</i>	<i>\$500</i>
<i>\$4,168</i>	<i>\$6,250</i>	<i>\$550</i>
<i>\$6,251</i>	<i>\$8,333</i>	<i>\$600</i>
<i>\$8,334</i>	<i>\$10,417</i>	<i>\$650</i>
<i>\$10,418</i>	<i>\$12,500</i>	<i>\$700</i>
<i>\$12,501</i>	<i>\$14,583</i>	<i>\$750</i>