

## PART V. FAMILY DIVISION MATTERS

### 5.100 Organization of the family court and these rules

#### Rule 5.101. Scope of rules.

(a) The family division, with the approval of the Supreme Court, has the inherent power to prescribe rules and policies for the conduct of proceedings in the family division.

(b) Unless otherwise ordered, the rules in Part V govern the practice and procedure in all matters heard in the family division, including claims normally heard in another division of the district court.

(c) Juvenile cases, reciprocal support act cases, support cases prosecuted by a public agency, and other cases may be governed by procedures required by the Nevada Revised Statutes, federal law, or other rules or statutes. Any objection to a report and recommendation of a hearing master shall be heard under these rules and in accordance with the departmental assignment procedure.

#### Rule 5.102. General terms and definitions.

(a) Affidavit. Unless the context indicates otherwise, “affidavit” includes an affidavit, a sworn declaration, and an unsworn declaration under penalty of perjury.

(b) Child custody proceeding. A “child custody proceeding” is any proceeding in which legal custody, physical custody, or visitation with respect to a minor child is an issue.

(c) Close of discovery. Unless otherwise ordered by the court, or otherwise required by another rule or statute, the expression “close of discovery” or references to a date by which discovery is due refers to the date by which discovery is to be completed, not the date on which it is to be requested.

(d) Day. A “day” is a 24-hour period from 12:00 a.m. to 11:59 p.m., regardless of the day of the week it falls or whether the courts are open on that day.

(e) Domestic violence orders. A “domestic violence order” is a temporary protective order (TPO) or extended order of protection (EOP) issued by either a hearing master subject to the approval of a district court judge or directly by a district court judge.

(f) Family division matters. A “family division matter” is any matter heard in the family division.

(g) Judge or court. Unless the context indicates otherwise, the term “judge” or “court” means the presiding judicial officer, whether a district court judge, hearing master, commissioner, or similar presiding officer.

(h) NRCPP. Unless the context indicates otherwise, references to “the NRCPP” are to the current version of the Nevada Rules of Civil Procedure.

(i) Order. Unless the context indicates otherwise, “order” includes any disposition, decree, judgment, injunction, etc., issued by a court and filed by the clerk.

(j) Party. Unless the context indicates otherwise, “a party” means a party personally, if unrepresented, or that party’s counsel of record, if represented.

(k) Pleadings, papers, and filings. “Pleadings” and “papers” are the documents listed in the NRCPP. Unless the context indicates otherwise, “filings” are papers filed in an action.

(l) Sanctions. Unless the context indicates otherwise, “sanctions” includes:

- (1) Sums payable as the court directs;
- (2) An award of attorney fees and costs to the opposing party; and
- (3) Procedural or substantive orders, such as dismissal, default, or other order.

(m) Service. Unless the context indicates otherwise, “service” means the providing of documents to a party in accordance with the statutes, rules, and court orders relevant to them. “Service” has the meaning described in the NRCP. Nothing in these rules permits service of a document by any means not provided for service of that document by other statute, rule, or court order. Unless the context indicates otherwise, “service” means the initiation of service by depositing papers into the mail, transmitting electronically, etc., not the receipt of the service.

Rule 5.103. Departmental assignment procedure.

(a) “Same Parties” shall be found when: (1) the same two persons are parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family division, regardless of their respective party designation (e.g., plaintiff or defendant; applicant or respondent; joint petitioner, etc.); or (2) a child involved in the case is also involved in any other pending case or was involved in any other previously decided case in the family division.

(b) Upon the filing of any action, the clerk’s office shall utilize the information provided on the Mandatory Family Court Cover Sheet to search the parties’ and child(ren)’s names to determine whether prior cases involving the same parties exist and assign cases pursuant to this rule.

(c) Pursuant to the mandates of NRS 3.025(3), any and all new cases involving the same parties shall be assigned to the same judicial department in the following manner:

(1) If no prior case involving the same parties exists, then the case will be randomly assigned.

(2) If one or more prior cases involving the same parties has previously been filed, the new case shall be assigned to the judicial department assigned to the earlier-filed case.

(3) The following exceptions shall apply:

(A) Cases filed pursuant to NRS Chapter 62 shall be

directly assigned to the juvenile delinquency judicial department.

(B) Cases filed pursuant to NRS Chapter 432B shall continue to be directly assigned to the juvenile dependency judicial department since these cases do not involve the “same parties” (the state having filed a complaint against one or both of the parties on behalf of the children).

(C) Cases filed pursuant to NRS Chapter 159 relating to adult guardianship actions shall be initially assigned to the judicial department(s) handling guardianship cases and thereafter assigned in accordance with the portion of these rules governing guardianship case management.

(d) Cases filed pursuant to NRS Chapter 130 and/or Chapter 425 shall be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to this rule. The hearings shall continue to be scheduled before the family support masters. Any objections to report and recommendations or other hearings required to be held before a district court will be heard by the assigned judicial department.

(e) Applications for temporary protective orders will be randomly assigned unless a case involving the same parties has already been assigned to a specific judicial department pursuant to this rule. Hearings shall be scheduled before the domestic violence hearing masters unless otherwise ordered. Any objections or hearings required to be held before a district court judge will be heard by the assigned judicial department.

(f) Notwithstanding the provisions of this rule, if any judicial department takes an action on a case, including, but not limited to, signing an order or holding a hearing (except uncontested family division matters), then that case (and any existing cases involving the same parties) shall be assigned to the judicial department that took such action.

(g) A timely peremptory challenge filed in any department not regularly presided over by a single judicial officer shall be construed as a disqualification of the department and cause for reassignment to another department of the family division.

(h) Conflicts regarding judicial department assignments pursuant to this rule shall be resolved by way of minute order by the presiding judge or the chief judge consistent with the mandates of NRS 3.025(3).

#### Rule 5.104. Simultaneous proceedings.

(a) If a new case is filed by a defendant or respondent in a case prior to that party filing a responsive pleading in the earlier-filed case, the complaint or petition in the new case will be treated as a responsive pleading in the earlier-filed case for certain purposes:

(1) The new case filing will be treated as the filing of a responsive pleading preventing the entry of default.

(2) Any requests for relief in the new case will be treated as a counterclaim in the earlier-filed case.

(3) An answer or other responsive pleading should nevertheless be filed in the earlier-filed case, along with any additional papers filed in the new case, but no additional filing fee will be required for such an answer or other filing.

(b) The court hearing the earlier-filed case shall dismiss the new case. Any papers filed in the new case may be refiled by either party in the earlier-filed case.

#### Rule 5.105. Domestic violence hearing masters.

(a) The family division may appoint one or more full-time or part-time masters and alternates to serve as domestic violence hearing masters.

(b) Interim orders signed by the domestic violence hearing master are deemed orders that are effective upon issuance subject to approval by the assigned district court judge.

(c) A domestic violence hearing master has the authority to:

- (1) Review applications for temporary and extended protection orders against domestic violence.
- (2) Recommend the issuance, extension, modification, or dissolving of protection orders against domestic violence under NRS 33.017 to NRS 33.100.
- (3) Schedule and hold contempt hearings for alleged violations of temporary and extended protection orders; recommend a finding of contempt; and recommend the appropriate sanction or penalty.
- (4) Recommend a sanction or penalty upon a finding of contempt in the presence of the court.
- (5) Perform other duties as directed by the assigned district court judge.

Rule 5.106. Family mediation center (FMC) mediators.

(a) FMC mediators shall have the following minimum qualifications:

- (1) Law degree or master's degree in psychology, social work, marriage and family therapy, counseling, or related behavioral science;
- (2) Sixty hours child custody and divorce mediation training, including a minimum of four hours of domestic violence training, sponsored by the Association of Family and Conciliation Courts or approved by the Academy of Family Mediators; and
- (3) Three years' experience in the domestic relations arena conducting child custody mediation.

(b) FMC mediators must complete 15 hours of continuing education each calendar year. The areas of training may include, but are not limited to, the following: mediation models, theory, and techniques; the nature of conflict and its resolution; family law; the legal process, and case law relevant to the performance of mediation; substance abuse; recent research applicable to the

profession; family life cycles, such as divorce, family reorganization, and remarriage; child development; crisis intervention; interviewing skills; domestic violence, including child abuse, spousal abuse, and child neglect, and the possibility of danger in the mediation session; parent education; sensitivity to individual, gender, racial, and cultural diversity and socioeconomic status; family systems theory; the development of parenting plans, parental alienation, and the role of parenting plans in the family's transition.

(c) FMC mediators shall adhere to the Model Standards of Conduct for Mediators as jointly developed by the American Arbitration Association, American Bar Association, and Society of Professionals in Dispute Resolution.

(d) FMC mediators shall attend such other courses, obtain such other qualifications, or complete such other training as the presiding judge may require.

Rule 5.107. Court appointed special advocate (CASA) services and protocols.

(a) The court in a juvenile matter may appoint a court appointed special advocate (CASA) for any minor child, may specify the services to be provided, and may continue or reschedule proceedings as necessary to accommodate CASA services. When an advocate is appointed, the CASA office shall supervise the advocate's activities.

(b) A referral for CASA services of any case involving allegations of domestic violence must include an order that the CASA office implement its domestic violence protocol.

(c) Subject to available resources, the CASA office shall address juvenile services and family services.

(1) Juvenile services shall focus on the permanency planning needs of minor children who have been declared to be wards of the State of Nevada and adults involved with those children, ascertaining the children's concerns, desires, and needs with regard to issues before the court.

(2) Family services shall focus on the best interest of minor children who are the subject of a custody dispute and adults involved with those children and on ascertaining the children's concerns, desires, and needs with regard to the issues before the court.

(d) The CASA office may formulate guidelines, procedures, and policies relevant to the scope of services offered by CASA, subject to approval by the family division.

#### 5.200 Court practice and procedure generally; attorneys and proper person litigants

Rule 5.201. Filing of case required before application for judicial order. A complaint or other initial pleading must first be filed with the clerk and assigned to a department before application is made to the judge for the entry of an order therein. This rule does not apply to family division matters seeking issuance of a temporary protective order, an order to seal record, an order allowing an indigent to file a complaint or another initial pleading without payment of fees, or as otherwise provided herein or by other rule, statute, or court order.

Rule 5.202. Access to sealed files. An attorney, or an agent of an attorney, shall be entitled to access, review, and order copies of portions of sealed files by court order or upon presentation of a notarized statement of permission for such access by a party. The permission of access shall be maintained as part of the confidential case file.

Rule 5.203. Pick up of reports, tests, etc.

(a) An agent of an attorney shall be entitled to pick up lab tests, evaluations, and other documents that the attorney is entitled to pick up, upon presentation of a signed authorization to pick up papers on the attorney's behalf. Such an authorization shall provide in substantially the following form:

Please allow my agent, \_\_\_\_\_, to pick up



documents, records, or other papers being held for me by the court. I understand that I have the same responsibility for the items picked up as if I did so personally.

/s/, \_\_\_\_\_  
[Name of authorizing counsel and bar number]

(b) Unless otherwise ordered, no party may personally pick up lab tests, evaluations, or other documents that are not to be copied or disseminated. Parties in proper person are entitled to read such documents in the courtroom or chambers or at such other place designated by the court.

Rule 5.204. Resolution of parent-child issues before trial of other issues. Unless otherwise directed by the court, all contested child custody proceedings must be submitted to the court for resolution prior to trial of, or entry of an order resolving, the remaining issues in an action.

Rule 5.205. Exhibits to motions and other filings.

(a) Unless otherwise required by another rule, statute, or court order, this rule applies to exhibits filed in support of a motion or other paper.

(b) All papers filed as exhibits shall be produced in discovery and Bate-stamped or otherwise identified by page number at the bottom right corner.

(c) Exhibits must be preceded by a sheet with the identification “Exhibit \_\_\_\_.”

(d) Collective exhibits to a filing must be filed as a separate appendix, including a table of contents identifying each exhibit.

(e) Oversized exhibits that cannot be reduced to 8.5 inches by 11 inches without destroying legibility, and any other exhibits that cannot be e-filed and are filed and served conventionally, must be identified in the exhibit list or table of contents, noting that they have been separately filed and served.

(f) Unless otherwise required by another rule or statute, the following should not be made exhibits:

(1) Documents of record in a Clark County family division matter;

(2) Cases;

(3) Statutes;

(4) Other legal authority; or

(5) Confidential court documents or other documents as to which there is any prohibition or restriction on copying or dissemination.

(g) Exhibits may be deemed offers of proof but shall not be considered substantive evidence until admitted.

#### Rule 5.206. Filing and service of papers.

(a) Except as otherwise provided by these rules as to ex parte motions and orders, the clerk shall accept upon receipt of an electronically-filed document calling for the assignment of hearing dates or other administrative actions and perform those tasks, subject to cancellation if the document is subsequently rejected for filing. The presiding judge must approve in advance any basis or grounds used by the clerk for rejection of filings.

(b) A copy of any documents filed must be served on all other parties to an action, in accordance with the NRCP, the Nevada Electronic Filing and Conversion Rules, the Eighth Judicial District Electronic Filing and Service Rules, and these rules, within 3 days of submission for filing.

(c) If, after serving copies as provided in section (b), the filing party receives a hearing time not contained in the original service, and notice of that hearing time has not been provided by the clerk, the filing party must serve a notice of hearing on all other parties to the action in accordance with the NRCP and these rules, within 3 days of receiving the hearing time.

(d) If another rule, statute, or court order directs a document to be served by some other method or on some other schedule, or permits a filing ex parte, then section (b) of this rule does not apply.

Rule 5.207. Summary disposition and uncontested matters.

(a) Unless a hearing is required by statute or by the court, any uncontested, stipulated, or resolved matter may be submitted to the court for consideration without a hearing.

(b) Any child custody proceeding not referencing a written custody and visitation agreement shall require an affidavit by the moving party reciting:

(1) The date the parties separated.

(2) With whom the child has lived during the preceding 6 months.

(3) The contact the child has had with both parents in the past 6 months.

(4) The proposed custody and visitation schedule for the other party and the child, including specific reasons, if any, why visitation should be denied, restricted, or supervised, with all necessary specifics of whatever contact is requested.

(c) An affidavit to corroborate residency shall state the address of the affiant and how long the affiant has been a resident of this state, how the affiant is acquainted with the party whose residency is being corroborated, the total length of time the affiant knows that the party has resided in this state, that the affiant can verify of the affiant's personal knowledge that the party is a resident of this state, and the basis of the affiant's personal knowledge.

(d) An uncontested family division matter may be heard on any day and time that the assigned judge is hearing uncontested matters. Unless otherwise ordered, a request that the court hear an uncontested case must be made to the clerk not later than 7 days before the day on which the case is to be heard, and all relevant papers must be filed with the clerk at or before the time the request for the uncontested setting is made. If the judge who was to hear an uncontested case is absent at the time set for that hearing, the case may be

heard by any other judge.

Rule 5.208. Amended pleadings.

(a) An amended pleading must be refiled, complete in itself, including exhibits, without cross-reference to a superseded pleading. No pleading will be deemed to be amended until there has been compliance with this rule.

(b) A motion to amend a pleading must specify the changes between the original and proposed amended pleading and include a copy of the proposed amended pleading.

(c) If the referenced exhibits to a pleading have been separately filed as provided by these rules, the amended pleading may refer to the same separately filed collective exhibits.

(d) The title of any amended pleading shall denote whether it is the first, second, third, etc., amended pleading.

Rule 5.209. Withdrawal of attorney in limited services (“unbundled services”) contract.

(a) An attorney who contracts with a client to limit the scope of representation shall:

(1) State that limitation in the first paragraph of the first paper or pleading filed on behalf of that client; and

(2) Notify the court of that limitation at the beginning of each hearing in which the attorney appears for that client.

(b) Unless otherwise ordered by the court, to withdraw from representation of a client in limited services, an attorney shall:

(1) File a Notice of Withdrawal of Attorney specifying the limited services that were to be completed, reciting that those services were completed, and identifying either the name of successor

counsel or the address and telephone number of the client in proper person. The attorney must serve a copy of the notice upon the client and all other parties to the action.

(2) Complete all services required by the court before filing a Notice of Withdrawal.

(3) Specify, in the withdrawal, at what point in time or proceeding the opposing party may directly contact the party represented by the withdrawing attorney.

(c) Except by specific order of court, no counsel shall be permitted to withdraw within 21 days prior to a scheduled trial or evidentiary hearing.

(d) Any notice of withdrawal that is filed without compliance with this rule shall be ineffective for any purpose.

Rule 5.210. Trial and hearings may be private.

(a) Except as otherwise provided by another rule or statute, the court shall, upon demand of either party, direct that the hearing or trial be private.

(b) Except as otherwise provided in subsections (c) or (d), upon such demand of either party, all persons must be excluded from the court or chambers wherein the action is tried, except:

(1) The officers of the court;

(2) The parties;

(3) The counsel for the parties and their staff;

(4) The witnesses (including experts);

(5) The parents or guardians of the parties; and

(6) The siblings of the parties.

(c) The court may, upon oral or written motion of either party or on its own motion, exclude the parents, guardians or siblings of either party, or witnesses for either party, from the court or chambers wherein the hearing or trial is conducted. If good cause is shown for the exclusion of any such person, the court shall exclude any such person.

(d) If the court determines that the interests of justice or the best interest of a child would be served, the court may permit a person to remain, observe, and hear relevant portions of proceedings notwithstanding the demand of a party that the proceeding be private.

(e) The court shall retain supervisory power over its own records and files, including the electronic and video records of proceedings. Unless otherwise ordered, the record of a private hearing, or record of a hearing in a sealed case, shall be treated as confidential and not open to public inspection. Parties, their attorneys, and such staff and experts as those attorneys deem necessary are permitted to retain, view, and copy the record of a private hearing for their own use in the representation. Except as otherwise provided by rule, statute, or court order, no party or agent shall distribute, copy, or facilitate the distribution or copying of the record of a private hearing or hearing in a sealed case (including electronic and video records of such a hearing). Any person or entity that distributes or copies the record of a private hearing shall cease doing so and remove it from public access upon being put on notice that it is the record of a private hearing.

### 5.300 Children, parents, and experts

Rule 5.301. Minor children; exposure to court proceedings. All lawyers and litigants possessing knowledge of matters being heard by the family division are prohibited from:

(a) Discussing issues, proceedings, pleadings, or papers on file with the court with any minor child;

(b) Allowing any minor child to review any such proceedings, pleadings, or papers or the record of the proceedings before the court, whether in the form of transcripts, audio or video recordings, or otherwise;

(c) Leaving such materials in a place where it is likely or foreseeable that any minor child will access those materials; or

(d) Knowingly permitting any other person to do any of the things enumerated in this rule, without the written consent of the parties or the permission of the court.

Rule 5.302. Seminar for separating parents.

(a) All parties to a child custody proceeding shall complete the seminar for separating parents approved by the family division of the court.

(b) The seminar shall be completed and a certificate of completion shall be filed within 45 days of service of the initial complaint or petition.

(c) No action shall proceed to final hearing or order until there has been compliance with this rule; provided, however, that noncompliance by a parent who enters no appearance shall not delay the final hearing or order. The court may take appropriate action to compel compliance with this rule.

(d) If the parties have resolved child custody issues or for other good cause shown, the court may waive the requirement of compliance with this rule in individual cases.

(e) The court reserves jurisdiction to order the parties to complete the seminar during any post-judgment child custody proceedings, even if it was waived during the initial case.

Rule 5.303. Mandatory mediation program.

(a) Generally, pursuant to NRS 3.475, except as otherwise ordered, all parties to a contested child custody proceeding must attend mediation through the Family Mediation Center (FMC) or through a private mediator before the disposition of the custody matter.

(b) Provisions applicable to all mediations.

(1) The court may refer the parties to mediation at any time, at the request of one or both parties or on its own motion.

(2) If a child custody proceeding is pending, the party moving for or requesting custody shall initiate mediation or seek exemption from mediation.

(3) The court may waive mediation in individual cases if there are issues of child abuse or domestic violence involved, if a party lives out of state, or for other good cause shown.

(4) A party may seek exemption from mediation at the case management conference or by motion as early in the case as practicable, asserting a basis for why the case is inappropriate for referral to mediation.

(5) Mediation shall be held in private, and except as otherwise required by other rule, statute, or court order, shall be confidential. Every mediator shall report in writing that the parties successfully mediated a full or partial parenting agreement (providing that agreement to the court), that they reached an impasse, or identify any party who failed to appear or refused to participate.

(6) Counsel of record may attend mediation sessions with their clients unless otherwise ordered.

(7) At the request of a mediating party or that party's counsel of record, any agreement produced by the mediator shall be provided to that counsel.

(8) No mediator shall conduct an evaluation of the parties after mediation or as part of the mediation process. No mediator shall provide recommendations as part of the mediation process.

(c) Provisions applicable to mediations at FMC.

(1) Any outstanding fees to FMC must be paid in full before further FMC services are initiated. Parties meeting minimum



income requirements shall receive a fee waiver for mediation services upon verification of benefits. Fees for FMC mediation may be assessed to parties based upon a sliding fee scale.

(2) FMC shall establish procedures to assure that cases which are inappropriate for mediation or which may require special protocols for the protection of parties are screened prior to any contact between the parties in the mediation process.

(3) Except as otherwise ordered in an order for mediation, mediation at FMC shall not address or include in any agreement terms for child support, spousal support, fees and allowances, exclusive possession of a residence, or any matter involving money to be paid by a party.

Rule 5.304. Child interview, outsource evaluation, and court appointed special advocate (CASA) reports.

(a) A written child interview report or outsource evaluation report (including exhibits), prepared by the Family Mediation Center, an outsource evaluator, or a CASA shall be delivered to the judge in chambers. Only the parties, their attorneys, and such staff and experts as those attorneys deem necessary are entitled to read or have copies of the written reports, which are confidential except as provided by rule, statute, or court order. Statements of a child to a CASA may not be viewed without an order of the court.

(b) No copy of a written report, or any part thereof, may be made an exhibit to, or a part of, the open court file except by court order. A written report may be received as evidence of the facts contained therein that are within the personal knowledge of the person who prepared the report.

(c) Every such report shall include on its first page, a prominent notice in substantially the following form:

**DO NOT COPY OR RELEASE THIS REPORT TO ANYONE, INCLUDING ALL PARTIES TO THE ACTION. NEVER DISCLOSE TO OR DISCUSS THE CONTENTS OF THIS REPORT WITH ANY MINOR CHILD.**

Rule 5.305. Expert testimony and reports.

(a) No party to an action pending before the court may cause a child who is subject to the jurisdiction of the court to be examined by a therapist, counselor, psychologist, or similar professional for the purpose of obtaining an expert opinion for trial or hearing except upon court order, upon written stipulation of the parties, or pursuant to the procedure prescribed by the NRCP.

(b) When it appears that an expert medical, psychiatric, or psychological evaluation is necessary for any party or minor child, the parties shall attempt to agree to retention of one expert. Upon request of either party, or on its own initiative, the court may appoint a neutral expert if the parties cannot agree on one expert and make provisions for payment of that expert.

5.400 Case management conferences (CMC) and early case evaluations (ECE)

Rule 5.401. Pre-CMC/ECE filings and procedure.

Within 14 days after each case conference, but not later than 7 days before a scheduled case management conference, the parties must file a joint early case conference report or, if the parties are unable to agree upon the contents of a joint report, each party must serve and file an individual early case conference report, any of which must contain:

(a) A statement of jurisdiction;

(b) A brief description of the nature of the action and each claim for relief or defense;

(c) If custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule;

(d) A list of all documents provided at or as a result of the case conference, together with any objection that the document is not authentic or genuine. The failure to state an objection to the authenticity or genuineness of a document constitutes a waiver of such objection at a subsequent hearing or trial. For good cause, the court may permit the withdrawal of a waiver and the

assertion of an objection;

(e) A list of all documents not provided under NRCP 16.205(d), together with the explanation as to why each document was not provided;

(f) For each issue in the case, a statement of what information and/or documents are needed, along with a proposed plan and schedule of any additional discovery;

(g) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) the litigant seeks to be awarded in the action;

(h) The list of witnesses exchanged in accordance with NRCP 16.205(e)(3) and (4);

(i) Identification of each specific issue preventing immediate global resolution of the case along with a description of what action is necessary to resolve each issue identified;

(j) A litigation budget; and

(k) Proposed trial dates.

Rule 5.402. CMC/ECE proceedings.

(a) At the case management conference, the court, counsel, and the parties must:

(1) Confer and consider the nature and basis of the claims and defenses, the possibilities for a prompt settlement or resolution of the case, and whether orders should be entered setting the case for settlement conference and/or for trial;

(2) Make or arrange for the disclosures required and to develop a discovery plan, which may include limitations on discovery or changes in the timing of discovery requirements otherwise required; and

(3) Recite stipulated terms on the record under local rules.

(b) The court should also:

(1) Enter interim orders sufficient to keep the peace and allow the case to progress;

(2) For matters that are claimed to be in contest, give direction as to which party will have which burden of proof;

(3) Discuss the litigation budget and its funding; and

(4) Enter a scheduling order.

(c) The court may also address, and if possible resolve, the following, if relevant:

(1) Whether there are any issues as to grounds or jurisdiction;

(2) Custody and visitation relating to any minor child, including any anticipated testimony of a minor child;

(3) Support of any minor child;

(4) Temporary possession and control of property, including residences and vehicles;

(5) Allocation of responsibility for payment of debts;

(6) Payment of temporary spousal support or maintenance;

(7) Any procedural issues present in the action; and

(8) Whether any or all issues in the case can be immediately settled, resolved, and removed from the field of litigation.

5.500 Motions, timing, procedure, hearings, and orders

Rule 5.501. Requirement to attempt resolution.

(a) Except as otherwise provided herein or by other rule, statute, or court order, before any family division matter motion is filed, the movant must attempt to resolve the issues in dispute with the other party.

(b) A party filing a motion in which no attempt was made to resolve the issues in dispute with the other party shall include a statement within the motion of what provision, futility, or impracticability prevented an attempt at resolution in advance of filing.

(c) Failure to comply with this rule may result in imposition of sanctions if the court concludes that one or more of the issues would have been resolved if an attempt at resolution had been made before filing.

Rule 5.502. Motion, opposition, countermotion, and reply submission and setting.

(a) All motions must contain the following notice on the first page directly below the case caption:

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.**

(b) All motions must be set on a day when the judge to whom the case is assigned is hearing civil domestic motions and not less than 35 days from the date the motion is filed.

(c) Within 14 days after service of the motion, the opposing party may file and serve a written opposition, with or without a countermotion, together with a memorandum of points and authorities and supporting affidavits, if any,

addressing the subject matter of the motion.

(d) A timely countermotion will be heard and decided at the same time set for the hearing of the original motion and no separate notice of motion is required.

(e) The party filing the initial motion may file a reply memorandum of points and authorities not later than 7 days after service of the opposition. Absent leave or direction of the court, no reply to an opposition to a countermotion shall be filed.

(f) If all the civil domestic judges in this district are disqualified from hearing a case, a notice of motion must state: "Please take notice that the undersigned will bring the above motion for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator."

(g) The first page of each motion, opposition (whether the opposition includes a countermotion), or reply shall include an option for the submitting party to request an oral argument hearing. If the motion, opposition, and/or reply did not request an oral argument hearing, the clerk shall set the matter on the court's chamber calendar; if one or more of those submissions has requested an oral argument hearing, the clerk shall set the matter on the court's hearing calendar.

#### Rule 5.503. Motion, opposition, countermotion, and reply content.

(a) Every motion, opposition, countermotion, and reply shall include points and authorities supporting each position asserted. Points and authorities lacking citation to relevant authority, or consisting of bare citations to statutes, rules, or case authority, do not comply with this rule. The absence or deficiency of points and authorities may be construed as an admission that the filing is not meritorious, or as cause for denial of all positions not supported.

(b) Failure of an opposing party to serve and file a written opposition may be construed as an admission that the motion is meritorious and a consent that it be granted.

(c) An opposition to a motion that contains a motion related to the same

subject matter will be considered as a counter motion.

(d) Citations to decisions of the Supreme Court or Court of Appeals of the State of Nevada shall include the citation to Nevada Reports and to West's Pacific Reporter and the year of the decision. Whenever a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System shall be given together with the state and the year of decision. When a decision of the Supreme Court of the United States is cited, at least one parallel citation and year of decision shall be given. When a decision of the court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court and year of decision shall be given.

Rule 5.504. Motion, opposition, counter motion, and reply format.

Filings submitted in hard copy shall comply with these specifics. Filings submitted electronically shall comply with these specifics to the degree relevant to electronic documents. Filings furnished by the clerk, the district attorney, the public defender or a self-help center established by the court must only comply with these specifics as directed by the presiding judge.

(a) Paper size, line spacing, margins, and page numbers.

(1) Paper filings should be on 8.5 × 11 inch white paper. All filings should be prepared by a process sufficient to be printed, copied, or scanned. Only one side of the paper may be used.

(2) All or part of a filing may be legibly handwritten at the discretion of the court. No original filing may be amended by making erasures or interlineations on a document, or by attaching slips to it, except by leave of court.

(3) Pages should be numbered consecutively at the bottom. Lines of pages should be numbered in the left margin which shall measure one inch in width.

(4) The lines on each page should be double-spaced, except that descriptions of real property or other reference and citation

material may be single-spaced. All quotations of more than 50 words should be indented and single-spaced.

(b) Identification of filer, court, parties, and filing.

(1) At the upper left corner of the first page of every filing, single-spaced, starting on line one, the filer shall list the document code (available from the clerk's office); the name (and if applicable, Nevada State Bar identification number) and address of the filer; the telephone number, and e-mail address of the filer and of any associated attorney appearing for the filer, or that there are no such numbers for the filer; and whether the filer is or represents the plaintiff, defendant, or other party.

(2) Centered, below the identifying information specified above, the filing shall recite:

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

(3) Below the title of the court, to the left of center, the filing shall recite the name of the action or proceeding, e.g., JOHN DOE, Plaintiff, vs. RICHARD ROE, Defendant.

(4) Below the title of the court, to the right of center, the filing shall recite the case number, the department number or letter, and if known the date and time of the proceeding to which the filing relates.

(5) Centered, below the other information detailed above, the filing shall recite the title of the filing, sufficient in description to apprise the court and opposing party of the nature of the document filed, or the relief sought, e.g., Plaintiff's Motion to Compel Answers to Interrogatories; Defendant's Motion for Summary Judgment against Plaintiff John Doe; Order Granting Plaintiff Doe's Motion for Summary Judgment against Defendant Roe.



(c) Typeface. Either a proportionally spaced or a monospaced typeface may be used.

(1) A proportionally spaced typeface (e.g., Century Schoolbook, CG Times, Times New Roman, and New Century) should be 14 points or larger. Footnotes should be 12 points or larger.

(2) A monospaced typeface (e.g., Courier and Pica) may not contain more than 10.5 characters per inch (e.g., 12-point Courier). Footnotes should be 12 points or larger.

(3) Unrepresented litigants may use elite type, 12 characters per inch, if they lack access to a device producing larger characters. Footnotes should be 12 points or larger.

(d) Type styles. A brief should be set in a plain, roman style, although underlining, italics, or boldface may be used for emphasis. Case names should be italicized or underlined.

(e) Length.

(1) Page limitation. Unless permission of the court is obtained, a motion, opposition, or reply shall not exceed 30 pages.

(2) Type-volume limitation. A motion, opposition, or reply is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface and contains no more than 1,300 lines of text.

(3) Computing page and type-volume limitation. Any table of contents, table of authorities, notice of motion, certificate of service, affidavit, and any exhibits do not count toward a filing's page or type-volume limitation. The page or type-volume limitation applies to all other portions of a filing beginning with the statement of facts, including headings, footnotes, and quotations. Pages in a filing preceding the statement of facts should be numbered in lowercase Roman numerals, and pages in the brief beginning with the statement of facts should be numbered in Arabic numerals.

(4) A request to exceed page limit or type-volume limitation is disfavored but may be requested within a filing or in a separate filing for that purpose on or before the filing's due date and shall state the reasons for the request and the number of additional pages, words, or lines of text requested. It is the responsibility of the submitting party to conform to the formatting rules.

Rule 5.505. Proposed orders. Parties may supply proposed orders to the court and opposing party at least 7 days prior to the hearing. Proposed orders may include such findings, conclusions, and orders as the submitting party believes relevant to each point in dispute in the proceedings. Unless otherwise directed by the court, a party may supply an editable electronic copy of a proposed order to the court's law clerk concurrently with the submission of the proposed order. The presiding judge shall direct what format is acceptable for such editable submissions, or make other administrative directions relating to proposed orders.

Rule 5.506. Affidavits relating to motions. Unless otherwise required by another rule, statute, or court order, affidavits relating to motions, oppositions, countermotions, replies, or other papers may incorporate all factual averments by reference in substantially the following form:

I have read the foregoing \_\_\_\_\_, 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.

Rule 5.507. Financial disclosure required for motions involving money. Unless otherwise ordered by the court, or otherwise required by another rule or statute:

(a) A General Financial Disclosure Form (GFDF) must be filed in support of any motion or countermotion that includes a request to establish or modify child support, spousal support, fees and allowances, exclusive

possession of a residence, or any matter involving money to be paid by a party.

(b) A GFDF must be filed in support of any opposition to a motion or countermotion described in section (a).

(c) All financial disclosures must be filed on the form(s) specified by the NRCP.

(d) A financial disclosure must be filed within 3 days of the filing of the motion, countermotion, or opposition it supports, and may only be filed in open court with leave of the judge upon a showing of excusable delay.

(e) Every GFDF filing shall include copies of the filing party's 3 most recent paycheck stubs (or equivalent).

(f) An assertion within a motion, opposition, or countermotion that there has been no material change in a financial disclosure filed within the preceding 6 months satisfies this rule.

(g) The court may construe any motion, opposition, or countermotion not supported by a timely, complete, and accurate financial disclosure as admitting that the positions asserted are not meritorious and cause for entry of orders adverse to those positions, and as a basis for imposing sanctions.

(h) In paternity matters, or postjudgment family division matters, only the case information, household, and income and expense sections of the GFDF need be completed. For good cause shown, the court may require a party to complete the remaining portions of the GFDF.

(i) For good cause shown, the court may require a party to file a Detailed Financial Disclosure Form (DFDF).

Rule 5.508. Schedule of arrearages required for motions seeking arrearages in periodic payments. A motion alleging the existence of arrears in payment of periodic child support, spousal support, or other periodic payment shall be accompanied by a separately filed schedule showing the date and amount of each payment due, and the date and amount of any payments received. The schedule may include a calculation of interest, any applicable

penalties, and an explanation of how those sums were calculated, following a declaration in substantially the following form:

Under penalty of perjury, pursuant to the best information known and available to me, the following schedule accurately sets out the dates and amounts of periodic payments due pursuant to a lawful court order, the dates and amounts of all payments received, and the principal, interest, and penalties due.

I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Name of party or attorney filing the schedule]

Rule 5.509. Supplements relating to motions.

(a) Supplements to motions, oppositions, countermotions, or replies must be filed at least 1 day prior to the hearing.

(b) A supplement must pertain to the subject matter of an existing filing, provide information that could not reasonably have been supplied in the earlier filings, and reference the subject matter and filing to which it relates.

(c) Upon the request of any party or for good cause shown, the filing of a supplement may be found by the court as grounds for any or all of:

(1) Continuance of a hearing, with or without issuance of temporary orders;

(2) An award of fees in favor of a party not filing the supplement;  
or

(3) An order striking the supplement; and direction that the subject matter of the filing be addressed in a separate motion.

Rule 5.510. Motions and procedure for orders to show cause.

(a) A motion seeking an Order to Show Cause (OSC) for contempt must be accompanied by a detailed affidavit complying with NRS 22.030(2) that identifies the specific provisions, pages and lines of the existing order(s) alleged to have been violated, the acts or omissions constituting the alleged violation, any harm suffered or anticipated, and the need for a contempt ruling, which should be filed and served as any other motion.

(b) The party seeking the OSC shall submit an ex parte application for issuance of the OSC to the court, accompanied by a copy of the filed motion for OSC and a copy of the proposed OSC.

(c) Upon review of the motion and application, the court may:

- (1) Deny the motion and vacate the hearing;
- (2) Issue the requested OSC, to be heard at the motion hearing;
- (3) Reset the motion hearing to an earlier or later time; or
- (4) Leave the hearing on calendar without issuing the OSC so as to address issues raised in the motion at that time, either resolving them or issuing the OSC at the hearing.

(d) If an OSC is issued in advance of the first hearing, the moving party shall serve it and the application for OSC on the accused contemnor.

(e) At the first hearing after issuance of an OSC, the accused contemnor may be held in contempt, or not, or the court may continue the hearing with directions on the issue. At the first or any subsequent hearing after issuance of an OSC, if the accused contemnor does not appear, a bench warrant may be issued to secure attendance at a future hearing, or other relief may be ordered.

Rule 5.511. Motions in limine.

(a) Except as otherwise provided herein or by court order, a motion in

limine to exclude or admit evidence must ordinarily be in writing and must be heard not less than 7 days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known after it is practicable to file a motion in the ordinary course as set forth above, the filing party may seek an order shortening time to hear the motion as provided by these rules, or bring an oral motion in limine at a hearing.

(c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary course, must detail how and when the facts arose or became known. The motion shall also set forth that after a conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties. If a personal or telephone conference was not possible, the motion shall set forth the reasons.

#### Rule 5.512. Extensions of time relating to motions.

(a) Immediately below the title of any motion or stipulation for extension of time to file any opposition or reply, there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension.

(b) The parties may by agreement extend the time within which an opposition or reply must be filed, so long as: any scheduled hearing is unaffected, or is continued if it would be affected; notice is contemporaneously provided to the court; and all filings relating to the hearing are filed at least 7 days before the scheduled hearing. Compliance with these conditions shall be considered compliance with the requirements of NRCP 6(b).

(c) A party may file a motion for an extension of time to file an opposition or reply. Such a motion must explain why it could not be obtained by stipulation and be supported by affidavit.

(d) Except as otherwise provided by other rule, statute, or court order, an ex parte motion to extend the time for filing an opposition or reply will not

ordinarily be granted. An order granting such a motion may extend the time for filing the subject opposition or reply, or may suspend the due date of that opposition or reply for such period as is required to enable the moving party to apply for a further extension by stipulation or by noticed motion, and may shorten the time until the hearing of such a noticed motion.

Rule 5.513. Reconsideration and/or rehearing of motions.

(a) A party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCp 50(b), 52(b), 59, or 60), must file a motion for such relief not later than 14 days after service of notice of entry of the order unless the time is shortened or enlarged by order. A motion for reconsideration does not toll the period for filing a notice of appeal.

(b) If a motion for reconsideration and/or rehearing is granted, the court may make a final disposition without hearing, may set it for hearing or resubmission, or may make such other orders as are deemed appropriate under the circumstances.

Rule 5.514. Orders shortening time for a hearing.

(a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening time for a hearing.

(b) An ex parte motion to shorten time must explain the need to shorten the time. Such a motion must be supported by affidavit.

(c) Absent exigent circumstances, an order shortening time will not be granted until after service of the underlying motion on the nonmoving parties. Any motion for order shortening time filed before service of the underlying motion must provide a satisfactory explanation why it is necessary to do so.

(d) Unless otherwise ordered by the court, an order shortening time must be served on all parties upon issuance and at least one day before the hearing. An order that shortens the notice of a hearing to less than 14 days may not be served by mail.

(e) If the time for a hearing is shortened to a date before the due date of an opposition, the opposing party may orally oppose the motion at the hearing. In its discretion, the court may order a written opposition to be filed after the hearing.

(f) Should the court shorten the time for the hearing of a motion, the court may direct that the subject matter of any countermotion be addressed at the shortened time, at the original hearing time, or at some other time.

Rule 5.515. Stipulations and motions to continue or vacate a hearing.

(a) Generally.

(1) Hearings may not be removed from the calendar by calling the clerk's office or the judge's chambers.

(2) An unfiled written stipulation and order to continue a hearing signed by both parties may be submitted to chambers prior to the time of hearing by hand delivery, facsimile, or e-mail. The court may remove the hearing from the calendar or require the parties to appear and put the stipulation on the record. If the hearing is removed from the calendar, the court will set a new hearing upon receipt of the original stipulation and order.

(3) Immediately below the title of any motion or stipulation to continue a hearing there shall also be included a statement indicating whether it is the first, second, third, etc., requested continuance of a hearing.

(b) The parties may file a stipulation to vacate the hearing of a motion, which the clerk will remove from the calendar. The parties may not stipulate to remove a trial or evidentiary hearing without also obtaining court approval by order.

(c) A party may file an ex parte motion to continue a hearing, explaining why it could not be obtained by stipulation. Such a motion must be supported by affidavit. The court may:



(1) Grant or deny the motion; or

(2) Require that notice be given to all other parties if it had not already been given, and entertain a summary written response to the request or conduct a telephonic conference within a time to be specified by the court.

Rule 5.516. Courtesy copies. Unless otherwise directed by the court, any filings that are electronically filed which include documents that do not scan reliably (e.g., photographs) should be courtesy copied to the court in advance of the hearing.

Rule 5.517. Attendance at hearings.

(a) As provided by rule, statute, or court order, an unrepresented party and counsel for a represented party must appear at the time set for the hearing of any family division matter, personally, or by telephonic or audiovisual equipment.

(b) Even if represented by counsel, a party must attend a hearing if required by rule, statute, or court order, and at: case management conferences; contempt hearings directed against that party; returns from mediation; and hearings on preliminary motions relating to custody, child, or spousal support; temporary possession of a residence and protective orders, unless otherwise directed by the court.

Rule 5.518. Joint preliminary injunction (JPI).

(a) Upon the request of any party at any time prior to the entry of a decree of divorce or final judgment, a preliminary injunction will be issued by the clerk against the parties to the action enjoining them and their officers, agents, servants, employees, or a person in active concert or participation with them from:

(1) Transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common, or community property of

the parties or any property that is the subject of a claim of community interest, except in the usual course of conduct or for the necessities of life or for retention of counsel for the case in which the JPI is obtained; or cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of:

(A) Any retirement benefits or pension plan held for the benefit (or election for benefit) of the parties or any minor child; or

(B) Any insurance coverage, including life, health, automobile, and disability coverage;

without the written consent of the parties or the permission of the court.

(2) Molesting, harassing, stalking, disturbing the peace of or committing an assault or battery on the person of the other party, or any child, stepchild, other relative, or family pet of the parties.

(3) Relocating any child of the parties under the jurisdiction of the State of Nevada from the state without the prior written consent of all parties with custodial rights or the permission of the court.

(b) Unless otherwise ordered, the clerk will affix the electronic signature of the presiding judge upon issuance of a JPI on the court's form JPI and enter it as an order of the court; any alternative language must be approved by the assigned judge.

(c) The JPI is automatically effective against the party requesting it at the time it is issued and effective upon all other parties upon service. Service of the JPI will be construed as satisfying all requirements for notice of entry of the JPI. The JPI shall be treated as a court order and is enforceable by all remedies provided by law, including contempt.

(d) Once issued, the JPI will remain in effect until a decree of divorce or final judgment is entered or until modified or dissolved by the court.

Rule 5.519. Domestic violence protection orders (TPO and EOP).

(a) Generally.

(1) The statutory evidentiary standard of “to the satisfaction of the court” shall be construed as equivalent to a reasonable cause or probable cause standard by a court considering an application for issuance of a temporary protection order (TPO) or extended order of protection (EOP).

(2) An application requesting a protection order must be based upon an affidavit setting forth specific facts within the affiant’s personal knowledge establishing good cause for the order.

(3) The court may take steps to verify the written information provided by the applicant, including whether a Child Protective Services case involving any party is or has been opened, and whether any party has been or is a party to any other proceeding involving domestic violence.

(4) The court may direct representatives of Child Protective Services or other agencies to attend a protection order hearing by subpoena or court order.

(5) The court may permit any person deemed appropriate to be present during a protective order proceeding in the interests of justice notwithstanding the demand by a party that the proceeding be private.

(6) The applicant may be ordered to pay all costs and fees incurred by the adverse party if by clear and convincing evidence it is proven that the applicant knowingly filed a false or intentionally misleading affidavit.

(b) Temporary orders. Any TPO issued pursuant to NRS 33.020(5) must be set for hearing within 7 days of issuance.

(c) Extended orders.

(1) An adverse party must be served with the TPO and application for the extension of a TPO at least 1 day prior to the scheduled hearing.

(2) If the application for an EOP contains a request for financial relief, the applicant must submit financial information on such a form as the court deems necessary.

(3) No EOP may be renewed beyond the statutory maximum period nor may a new EOP be granted based upon the filing of a new application that does not contain a new and distinct factual basis for the issuance of a protective order.

(4) Orders on related matters made in conjunction with extension of a TPO remain in effect for the life of the EOP unless modified by the hearing master or a district court judge hearing the TPO case or another family division case relating to the same parties.

(d) Proceedings in relation with other family division matters.

(1) If both a TPO case and another family division case relating to the same parties have been filed, the hearing master must bring all TPO cases to the attention of the district court judge before taking any action. Unless the district court judge orders otherwise:

(A) If a motion is filed in the other family division case before the TPO was granted and an extension hearing is set in the TPO court, the extension hearing will be set before the district court judge.

(B) If a motion is filed in the other family division case after the TPO was granted and an extension or dissolution hearing is set in the TPO court, the extension hearing will proceed and the hearing master may make such interim orders on extension of the TPO and any related issues at the extension hearing.

(2) Unless otherwise ordered by the district court judge, once a

motion in another family division case relating to the same parties has been filed, all subsequent protection order filings and related issues will be heard by the district court judge both before and after final determination of the other family division case, so long as that other case remains open, and will be heard in the TPO court once the other case is closed.

(e) Objections to recommendations of hearing master.

(1) Interim orders, modifications or dissolutions, and recommendations pursuant to decision by a hearing master remain in full force and effect unless altered by order of the assigned district court judge irrespective of the filing of any post-decision motion or objection.

(2) A party may object to a hearing master's recommendation, in whole or in part, by filing a written objection within 14 days after the decision in the matter; if the objecting party was not present at the hearing, the objection period begins upon service of the order on that party.

(3) A copy of the objection must be served on the other party. If the other party's address is confidential, service may be made on the protection order office for service on the other party.

(f) A district court judge may accept, reject, or modify any recommendation of a hearing master.

Rule 5.520. Other temporary restraining orders and preliminary injunctions.

(a) Generally.

(1) This rule governs all requests for temporary restraining orders and preliminary injunctions, except for those relating to domestic violence or joint preliminary injunctions.

(2) A party may file an ex parte motion for a temporary

restraining order, a noticed motion for a preliminary injunction, or both.

(3) A motion for a temporary restraining order or preliminary injunction must be supported by affidavit.

(4) Every temporary restraining order and preliminary injunction shall state with specificity the reasons for its issuance and the act or acts sought to be restrained, without reference to other documents.

(5) Every temporary restraining order and preliminary injunction is binding on the parties to the action, their officers, agents, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of the order or injunction.

(6) Every temporary restraining order and preliminary injunction shall specify when it and all filings in support of its issuance must be served on the adverse party and specify the time for filing of the adverse party's opposition and supporting filings.

(b) Proceedings relating to ex parte temporary restraining orders.

(1) An ex parte motion for a restraining order granting temporary relief in a family division matter not more specifically governed by another rule will be considered only in cases of emergency and must detail the efforts, if any, made to give notice to the adverse party or the reasons, if any, that such notice should not be required.

(2) Every ex parte temporary restraining order shall note when it was approved by the court and shall be filed by the clerk's office forthwith.

(3) Every ex parte temporary restraining order shall state the date and time it will expire, not to exceed 30 days after its issuance, unless extended by either further court order or by a filed, written consent by the party against whom the order is directed. The

reasons for any extension shall be recited in such order or consent.

(4) Every ex parte temporary restraining order shall contain an order setting the hearing on a preliminary injunction on the same subject matter as soon as is practicable.

(c) Proceedings relating to preliminary injunctions.

(1) If, at the preliminary injunction hearing set by a temporary restraining order, the party who obtained the temporary restraining order does not proceed with the application for the injunction, the court shall dissolve the temporary restraining order.

(2) A party affected by a temporary restraining order may file a motion to dissolve or modify it on 14 days' notice to the party who obtained the restraining order.

(d) Any evidence received upon an application for a preliminary injunction that would be admissible at any family division hearing becomes part of the record and need not be repeated at a later hearing.

Rule 5.521. Issuance of decisions.

(a) Once a trial, motion, or other proceeding is completed, the court may request additional information or documentation, draft a dispositional order, or render a decision and designate a party to prepare the necessary documents for the court's review and signature. In the absence of any specific direction, the moving party (or plaintiff, for final dispositions) should draft the documents.

(b) Counsel for the parties must provide such orders, provisions, and documents as are necessary to achieve distribution or finalization of all interests at issue in the proceedings or specify on the record when, how, and by whom that distribution or finalization is to be achieved.

(c) The court may issue an order to show cause for failure of a party to

prepare and submit the necessary documents as directed within the time allotted by the court. Upon submission, the court may sign the proposed documents, return them to the preparer with instructions for revision, or take such other actions as are necessary to obtain a complete written disposition of the matter.

(d) Parties may waive notice of entry. The court may elect to provide written notice of entry.

Rule 5.522. Countersignatures and direct submission of orders.

(a) Notwithstanding the directives of any local rule outside of Part V, unless otherwise ordered:

(1) The party obtaining an order, judgment, or decree shall have 7 days to prepare it and request the countersignature of the opposing party as to its form and content.

(2) The opposing party shall then have 7 days to countersign or otherwise respond.

Unless otherwise ordered, if unable to obtain the countersignature of the opposing party within 7 days, the drafting party may directly submit the proposed order to the court, copied to the opposing party, accompanied by an explanation of the attempts made to obtain countersignature in substantially the following form:

(1) Enclosed please find our proposed Order from the \_\_\_\_\_, hearing. Despite attempts to prepare a countersigned Order, we were unable to obtain a countersignature.

On [date], we sent our proposed order to the opposing party for review; we received no response. Despite a reminder letter on [date], the opposing party has not responded. We have attached the relevant correspondence.



Having reviewed the court minutes and the hearing recording, we believe the attached proposed Order complies with this court's orders and so submit it without the signature of the opposing party.

Or:

(2) Enclosed please find our proposed Order from the \_\_\_\_\_, hearing. Despite attempts to prepare a countersigned Order, we were unable to reach agreement with the opposing party. We have attached the relevant correspondence. Having reviewed the court minutes and the hearing recording, we believe the attached proposed Order complies with this court's orders and so submit it without the signature of the opposing party and have included the time indexes for the court's convenience.

(c) If the parties are unable to agree on the form and content of a proposed order, and the drafting party directly submits a proposed order, the opposing party may submit a proposed alternative form of order, copied to the opposing party, within 7 days of submission of the first proposed order, accompanied by a brief explanation of the reason for the disagreement and the distinction between the proposed orders in substantially the following form:

The opposing party has submitted a proposed Order from the \_\_\_\_\_, hearing. Having reviewed the court minutes and the hearing recording, we believe our attached proposed Order is more accurate than that of the opposing party and have included the time indexes for the court's convenience.

Rule 5.523. Construction of orders requiring payment of money. Unless otherwise specified, any order calling for the payment of a sum from a party to any other person or entity shall be construed as having been reduced to judgment and made collectible by all lawful means.

Rule 5.524. Settlement conferences.

(a) At the request of any party or on its own motion, the court may order the parties to participate in a settlement conference.

(b) Unless otherwise ordered, at least 7 days before any scheduled settlement conference, each party must submit to the settlement judge a confidential settlement conference brief that is no more than 10 pages in length and addresses: the relevant facts of the case; the issues remaining unresolved and their proposed resolution; any scheduled hearings and trial dates; the dates and amounts of any demands and offers and their expiration date(s); any unusual legal issues; and any other information useful to a settlement of the matter.

(c) The confidential settlement briefs are not to be made part of the regular or confidential court file or otherwise provided to the court hearing the matter, directly or indirectly.

(d) If settlement is reached, the memorialization of settled terms shall be promptly reduced to writing and signed, or by consent placed on the record and entered in the minutes in the form of an order.

(e) To the degree practicable, these provisions are to be utilized by district court judges, senior settlement judges, settlement masters, or other persons performing the function of facilitating mediation and settlement.

Rule 5.525. Meetings of counsel before calendar call or final pretrial conference; pretrial memorandum.

(a) Prior to or at any calendar call, or at least 7 days before trial or any evidentiary hearing if there is no calendar call, the designated trial attorneys for all parties shall meet to arrive at stipulations and agreements, for the purpose

of simplifying the issues to be tried, and exchange final lists of exhibits and the names and addresses of all witnesses (including experts) to be actually called or used at trial. No new exhibits or witnesses are to be added, although previously disclosed witnesses or exhibits may be eliminated, unless otherwise ordered.

(b) Except as otherwise ordered, each party must prepare a pretrial memorandum that must be filed and served on all other parties not less than 7 days before the calendar call, or 14 days before the hearing if there is no calendar call. Unless otherwise ordered, the pretrial memorandum must concisely state:

(1) A brief statement of the facts of the case, including:

(A) The names and ages of the parties.

(B) The date of the marriage.

(C) Whether any issues have been resolved and the details of the resolution.

(D) The names, birth dates, and ages of any children.

(2) If child custody is unresolved, proposed provisions for custody and visitation.

(3) If child support is unresolved, the amount of support requested and the factors that the court should consider in awarding support.

(4) If spousal support is unresolved, the form, amount, and duration requested and the factors that the court should consider in awarding support.

(5) A brief statement of contested legal and factual issues regarding the distribution of property and debts.

(6) If a request is being made for attorney fees and costs, the amount of the fees and costs incurred to date.

(7) Any proposed amendments to the pleadings.

(8) A list of all exhibits, including exhibits that may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party.

(9) A list of the names and addresses of all witnesses (including experts), other than a resident witness, that each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court precluding the party from calling that witness.

(10) If any requests involving money are at issue, a financial disclosure in accordance with these rules.

(11) A list of substantial property, all secured and unsecured indebtedness, and the proposed disposition of assets and liabilities in a format substantially complying with court rules or any asset and debt schedule forms provided by the court.

(12) Any other matter that counsel desires to bring to the attention of the court at calendar call.

Rule 5.526. Dismissal and closing of cases; reactivation procedure.

(a) A family case that has been pending for more than 6 months and in which no action has been taken for more than 3 months may be dismissed on the court's own initiative without prejudice.

(b) A case shall be designated closed by the clerk of the court if:

(1) There has been no substantial activity in the case within 31 days of the notice of entry of decree or judgment;

(2) There has been no substantial activity in a postdispositional case within 31 days of notice of entry of a final order;

(3) There has been an involuntary dismissal without prejudice as set forth in these rules or the NRCP; or

(4) Upon order of the court.

(c) Written notice of entry of a dismissal or order of the court pursuant to this rule must be given to each party who has appeared in the action. Placing a copy of a notice in the attorney's folder maintained in the office of the clerk of the court constitutes notice to that attorney.

(d) A family division case that has been dismissed pursuant to this rule will be reactivated at the written request of a party if the request is filed within 30 days of service of written notice of entry of the dismissal.

Rule 5.527. Filing fee to reopen cases. A completed fee information sheet shall be filed and the current statutory fee payable to the county clerk shall be paid upon the filing of any motion or other paper that seeks to: reopen a case; modify or adjust a final order that was issued pursuant to NRS Chapters 125, 125B, or 125C; or file an answer or response to such a motion or other

paper. No such fee or information sheet is required for motions for reconsideration or for a new trial or motions filed solely to adjust the amount of child support in a final order.

## 5.600 Discovery

### Rule 5.601. Discovery documents; Bate stamps.

(a) Every document produced in discovery should be identified with a unique identifier, signifying the party that produced it and its sequential order of production (e.g., “Plaintiff0123,” or for party John Smith, “JS0123”). Every party using that document in that case should continue to use the identifier given to it upon production.

(b) Unique identifying numbers should normally be printed at the lower right corner of the document, unless that is not practicable, in which case it can be printed elsewhere on the document.

### Rule 5.602. Discovery disputes, conferences, motions, stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes presented at a pretrial conference or at trial) must first be heard by the discovery hearing master.

(b) Upon reasonable notice, the discovery hearing master may direct the parties to appear for a conference with the hearing master concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the hearing master. Counsel may not stipulate to vacate or continue a conference without the hearing master’s consent.

(c) The hearing master may shorten or extend any of the times for any

discovery motion.

(d) A discovery motion must set forth that after a discovery dispute conference or a good-faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties; if a personal or telephone conference was not possible, the motion shall set forth the reasons. Such a motion must be supported by affidavit.

(e) If the responding party failed to answer discovery, the motion shall set forth what good-faith attempts were made to obtain compliance. If, after request, the responding party fails to participate in good faith in the conference or to answer the discovery, the court may require such party to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.

(f) The hearing master may stay any disputed discovery proceeding pending resolution by the judge.

(g) Following the hearing of any discovery motion, or other contested matter heard by or submitted to a discovery commissioner, the discovery commissioner must prepare a report with the discovery commissioner's recommendations for a resolution of each unresolved dispute. The discovery commissioner may direct counsel to prepare the report. The discovery commissioner must file the report with the court and serve a copy of it on each party. If the discovery commissioner determines that the exigencies of the case do not permit application of the time frames set out in NRCp 16.3, the following time frames will apply instead. Within 7 days after being served with the report, any party may file and serve written objections to the recommendations. Written authorities may be filed with an objection but are not mandatory. If written authorities are filed, any other party may file and serve responding authorities within 7 days after being served with the objections. Upon receipt of a discovery commissioner's report, any objections, and any response, the court may: (A) affirm, reverse, or modify the discovery

commissioner's ruling without a hearing; (B) set the matter for a hearing; (C) remand the matter to the discovery commissioner for reconsideration for further action.

(h) Papers or other materials submitted for the discovery hearing master's *in camera* inspection must be accompanied by a captioned cover sheet that indicates it is being submitted *in camera*. All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. The party submitting the materials *in camera* must provide one copy of the materials without redactions and one set of materials with proposed redactions. If the *in camera* materials consist of documents, counsel must provide to the hearing master an envelope of sufficient size into which the *in camera* papers can be sealed without being folded.