

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. Except as otherwise provided in Part V, the rules set out in Parts II, III, IV, and VII are inapplicable to matters heard in the family division, and the rules set out in Part VIII are superseded where in conflict with Part V.

(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, and references in other statutes or rules to the title of any judicial officer will be construed as referring to the judicial officer performing that function in the family division.

(h) NRCP. Unless the context indicates otherwise, references to “the NRCP” 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) Disobedient Party. Unless the context indicates otherwise, a “disobedient party” means any party that has been directed in an order or judgment to execute a conveyance of land, deliver deeds or other documents, or perform any other specified act, and has failed to comply within the time specified.

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

(m) Sanctions. Unless the context indicates otherwise, “sanctions” include:

- (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.

(n) 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.

5.200 Court practice and procedure generally

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. 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(s).

(B) Cases filed pursuant to NRS Chapter 432B shall be directly assigned to the juvenile dependency judicial department(s) 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 and 159A relating to adult and minor guardianship actions shall be

directly assigned to the guardianship judicial department(s).

(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 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. 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 5.203. Simultaneous proceedings.

(a) If simultaneous proceedings are filed by the same parties, the Court shall issue a Notice of Simultaneous Proceedings to inform the parties of the two pending actions. Unless otherwise ordered by the court, the court shall proceed in the case in which service is first effectuated (“first case”).

(b) The pleadings filed by the Defendant in the other-filed case (“second case”) shall be deemed an appearance in the first case.

(c) Nevertheless, an answer or other responsive pleading in the first case must be filed within 21 days of service of the Notice of Simultaneous Proceedings, along with any counterclaim or additional claims for relief; however, no additional filing fee will be required for such an answer or other filing, if already paid or waived by the Court in the simultaneous proceeding. Any papers filed in the second case may also be filed by either party into the record of the first case.

(d) If an answer or other responsive pleading is not timely filed by Defendant in the first case, default may be sought and entered, after which Plaintiff may proceed to obtain a default judgment as provided in these rules and the NRCPC.

(e) If the first case proceeds as set forth herein, the Court shall dismiss the second case when the court deems appropriate.

Rule 5.204. Submissions to and actions of judge other than assigned judge.

(a) Except as otherwise provided by another rule or statute, or in an emergency, only the judge assigned to a case should issue orders in that case. In the absence of the judge assigned to a case, submissions in that case should be made to the first judge available in the following order:

- (1) The senior, visiting, or designated judge assigned temporarily to the case, if any;
- (2) The presiding judge of the family division;
- (3) The chief judge of the Eighth Judicial District Court.

(b) Any order of an absent judge which is signed by another judge must conform to the record and will be deemed to be the order of the absent judge. Any non-conformity in such an order may be corrected by the absent judge after return.

(c) An order entered by a judge other than the judge assigned to the case may be enforced, reconsidered, or modified by the judge assigned to the case or by a subsequent senior, visiting, designated, presiding, or chief judge subsequently temporarily assigned to the case.

(d) When a case has been administratively reassigned, or a judge has been replaced by the retirement or other departure of the judge previously assigned to the case, the new judge assigned to the case shall be treated as the assigned judge with authority to take any action that the judge previously assigned to the case might have taken.

Rule 5.205. 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 electronically filed papers 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 papers filed must be served on all other parties to an action, in accordance with the NRCPP, 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 NRCPP and these rules, within 3 days of receiving the hearing time.

(d) If another rule, statute, or court order directs a pleading, paper, or filing 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 5.206. 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 5.207. Complaints for Custody. Unless otherwise ordered, a case involving a complaint for custody or similar pleading addressing child custody or support between unmarried parties shall be construed as proceeding pursuant to chapter 126 of the Nevada Revised Statutes (Parentage) and the issue of parentage shall be addressed at the first hearing and in a written order in the case.

Rule 5.208. Family division hearing masters.

(a) Except as provided otherwise by rule, statute, or court order, this rule governs matters heard by a family division hearing master.

(b) A duly appointed hearing master shall conduct proceedings as permitted by NRCP 53.

(c) A hearing master shall prepare a master's report and recommendation which shall be furnished to each party at the conclusion of the proceedings in court; if not served in court, the report and recommendation shall be served upon a party pursuant to the NRCP.

(d) Within 14 days of service of the report and recommendations, either party may file a written objection. If a written objection is filed pursuant to

this rule, the objection must be properly noticed with a hearing date set with the district court judge, and served upon all interested parties, as prescribed in EDCR 5 for motions. The court shall affirm the master's findings of fact unless clearly erroneous.

(d) In the absence of a timely objection, the findings and recommendation of the master shall be affirmed and become an order of the court.

Rule 5.209. Court interpreters.

(a) A party must notify the Court Interpreter's Office of a request for an interpreter in advance of a hearing or trial. Failure to do so may result in postponement of the proceeding.

(b) In exceptional cases, the interpreter's fee may be waived, increased, or decreased at the discretion of the court.

(c) A party requesting an interpreter from outside Clark County is responsible for all expenses for that interpreter.

Rule 5.210. 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.

Rule 5.211. Communications with court.

Except as provided otherwise by rule, statute, or court order or direction:

(a) Any written communication with the court shall be contemporaneously copied to all other parties;

(b) *Ex parte* communications with the court for scheduling, administrative, or emergency purposes, shall be permitted so long as they are not designed to improperly gain a procedural or tactical advantage in a case, and notice of the date and substance of the communication is provided to all other parties;

(c) In the event that any communication is made with the court in violation of this rule, the court may impose sanctions upon a finding that the communication was made to improperly gain a procedural or tactical advantage in a case;

(d) No person shall engage in *ex parte* contact with the court or court staff that is intended or reasonably would be perceived as intended to alter the outcome of pending judicial proceedings, or with the intent or likely result of causing a judicial recusal or disqualification.

Rule 5.212. 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, for good cause shown 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.

(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.

Rule 5.213. 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 signed statement of permission for such access by a party. The permission of access shall be maintained as part of the confidential case file.

Rule 5.214. Redactions to be made in unsealed cases and hearings open to the public.

(a) Except as otherwise provided by another rule or statute, or direction by the court, unless the case has been sealed, parties must refrain from including—or must partially redact, where inclusion is necessary—the following personal-data identifiers from all documents filed with the court, including exhibits:

(1) Social Security Numbers. If a Social Security number must be included, only the last four digits of that number should be used;

(2) Financial Account Numbers. If financial account numbers must be included, only the last four digits of these numbers should be used;

(3) Tax Identification Number. If a tax identification number must be used, only the last four digits of that number should be used.

(b) The same directions apply to oral presentations in open court during any hearing not made private under these rules.

Rule 5.215. Subpoena for foreign deposition. A party seeking the issuance from the clerk of a subpoena for the purpose of taking a foreign deposition in this judicial district must submit to the clerk all papers required by the relevant statutes or NRCP provisions, any required filing fees, and a cover sheet in the form required by these rules with the title of the court as “Eighth Judicial District Court,” describing the filing as “Request for Foreign Deposition Subpoena.”

Rule 5.216. Procedure for appointment of another person to execute documents pursuant to Nevada Rule of Civil Procedure 70.

(a) A party seeking a court order for the appointment of a person to execute a conveyance of land, deliver deeds or other documents, or perform any other specific act, must:

1. Submit a motion for an order, supported by affidavit;
2. Submit a proposed order to the court; and
3. Submit the documents, if any, to be executed by another person in place of the disobedient party.

(b) The motion or supporting affidavit must:

1. Identify by title, date, page, and line number the judgment upon which the request is based;
2. State that the judgment has not been modified by subsequent court order;
3. State that the judgment has not been satisfied or what portion remains outstanding;
4. State the facts establishing why it is necessary for another person to execute or deliver the documents at issue or perform the specific act required, including why each document submitted is necessary;

5. Describe the efforts made to have the disobedient party execute or deliver the documents at issue or perform the specific act required, or what provision, futility, or impracticability prevented an attempt at doing so in advance of filing the request; and

6. List each document to be executed or delivered or each specific act to be done by another person in place of the disobedient party.

(c) The proposed order must:

1. Name the disobedient party who has failed to comply with an order to convey land, to deliver a deed or other document, or to perform any other specific act within the time specified;

2. Appoint another person to execute the documents in place of the disobedient party pursuant to Nevada Rule of Civil Procedure 70;

3. Name or describe each document to be executed or delivered, or what specific acts are to be done;

4. Include a copy of each document to be executed or delivered, which may be redacted if necessary to prevent disclosure of private information;

5. Include a signature line for the disobedient party on any documents to be executed;

6. If possible, state that the other person named is signing on behalf of the disobedient party; and

7. If ordered, impose the expense of the proceedings on the disobedient party.

(d) The court may grant the motion for order ex parte or may require that the disobedient party be served with the request and given an opportunity to respond. The court may also set a hearing on the motion.

(e) If the court grants the motion for order, the moving party must submit the original documents to the clerk of court for execution and inform the clerk of the court of: the case number in which the order was entered; contact information for the moving party; and instructions on how the document should be returned.

Rule 5.217. Conduct and attire. Proceedings in court should be conducted with dignity and decorum. All persons appearing in court proceedings must be properly attired as befits the dignity of the court.

Rule 5.218. Civility.

(a) Actions and presentations shall be tailored to serve the interests of candor, courtesy, and cooperation, by demonstrating respect for the court and all opposing litigants and attorneys.

(b) Parties shall be adequately prepared for each court appearance and maintain control over their emotions.

(c) Arguments and comments are to be addressed to the court and not to anyone else.

(d) The only interruptions permitted are proper legal objections, concisely stating the basis for the objection.

(e) Personal attacks and excessive repetition of arguments are prohibited.

Rule 5.219. Sanctionable conduct.

Sanctions may be imposed against a party, counsel, or other person, after notice and an opportunity to be heard, for unexcused intentional or negligent conduct including but not limited to:

(a) Presenting a position that is obviously frivolous, unnecessary, or unwarranted;

(b) Multiplying the proceedings in a case so as to increase costs unreasonably and vexatiously;

(c) Failing to prepare for a proceeding;

(d) Failing to appear for a proceeding;

(e) Failing or refusing to comply with these rules; or

(f) Failing or refusing to comply with any order or directive of the court.

Rule 5.220. 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 post-dispositional 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.

(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 5.221. 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.

5.300 Attorneys, parties, children, and parents

Rule 5.301. Appearances.

(a) An unrepresented party making an appearance or filing any pleading or paper must provide that party's address, email address, and telephone number, if any.

(b) A corporation or other entity may not appear in proper person.

(c) Only an attorney currently admitted to practice law in Nevada may represent a party. An attorney who has appeared for any party must represent that party in the case and shall be recognized by the court and by all parties as having control of the case.

(d) Unless otherwise allowed by the court, an attorney who is not currently admitted to practice law in Nevada may only make a court appearance for a party if accompanied by an associated Nevada attorney. All pleadings and papers submitted by an attorney not currently admitted to practice in Nevada must be signed by Nevada counsel. Nevada counsel shall be responsible for all written and oral submissions by an associated attorney not currently admitted to practice law in Nevada.

(e) A represented party may not appear unrepresented or personally file any pleading or paper without the consent of the court. The court in its discretion may hear a party in open court although the party is represented by counsel.

Rule 5.302. Substitutions or withdrawal of attorney.

(a) Substituting a new attorney for a withdrawing attorney requires the written consent of both attorneys and the party, which must be filed with the court and served upon all parties.

(b) An attorney who seeks to withdraw from representing a client without substituting a new attorney in the case may only do so by order of the court if proceedings remain pending in the case.

(c) If no proceedings remain pending in the case, an attorney may withdraw by filing a notice of withdrawal.

(d) Every notice of withdrawal, motion to withdraw, and order granting withdrawal shall include the represented party's last known address, email address, and telephone number, if any, and must be served upon all parties.

(e) Any substitution or motion for withdrawal of counsel that would result in a delay of a hearing or trial is disfavored.

(f) All attorneys withdrawing from a case shall remove their contact information from the service list for that case in the court's electronic filing system. Should an attorney fail to do so, the court clerk's office shall remove the contact information of the withdrawn attorney upon request by a party or the court.

Rule 5.303. Attorney in limited services ("unbundled services") contract.

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

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

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

(b) Failure to provide the specific limitation of representation shall constitute a general appearance by counsel.

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

(1) Complete all services required by the court before filing a notice of withdrawal.

(2) File a notice of withdrawal specifying the limited services that were completed.

(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.

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

Rule 5.304. 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 5.305. Seminar for separating parents.

(a) A court may require the parties to a child custody proceeding to complete a seminar for separating parents during any proceedings involving custody of a child.

(b) The seminar must:

(1) Educate parents about inter-parental conflict, including its effects on children;

(2) Educate parents about cooperative co-parenting, including the importance of not undermining one another or putting children in the middle of conflicts;

(3) Educate parents about the importance of both parents spending quality time with the children in order to develop meaningful relationships;

(4) Provide information on child development;

(5) Provide an interactive presentation;

(6) Provide information on alternative dispute resolution;

(7) Offer the seminar in multiple languages;

(8) Provide each participant with written material that supports the seminar curriculum; and

(9) Provide relevant community resource information.

(c) The seminar shall be completed and a certificate of completion shall be filed within 45 days of the court order directing completion of the seminar.

(d) Noncompliance by a parent shall not delay the final hearing or order. The court may take appropriate action to compel compliance with this rule.

Rule 5.306. 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.

5.400 Discovery, case management conference (CMC) and early case evaluation (ECE), experts, and reports

Rule 5.401. Discovery documents; Bates 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 5.402. 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, the parties 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 a personal, telephonic, videoconference, or email conference between or among the parties; if such a 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 court.

(g) Following the hearing of any discovery motion, or other contested matter heard by or submitted to a discovery hearing master, the discovery hearing master must prepare a report with the discovery hearing master's recommendations for a resolution of each unresolved dispute.

(1) The discovery hearing master may direct counsel to prepare the report.

(2) The discovery hearing master must file the report with the court and serve a copy of it on each party.

(3) If the discovery hearing master 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 calendar 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.

(4) Upon receipt of a discovery hearing master's report, any objections, and any response, the court may:

(A) affirm, reverse, or modify the discovery hearing master's ruling without a hearing;

(B) set the matter for a hearing; or

(C) remand the matter to the discovery hearing master for reconsideration or 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.

Rule 5.403. 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 the applicable NRCP, 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 the applicable NRCP;

(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 5.404. 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.

Rule 5.405. 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 5.406. 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 physician, 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.

Rule 5.407. 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.

/ss/, _____
[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.

5.500 Motion practice

Rule 5.501. Requirement to attempt resolution.

(a) Except for motions served with the initial pleading in a case or 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) Except as otherwise provided by other rule, statute, or court order, all motions must contain the following notice on the first page directly below the case caption:

NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND 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) Request for Submission.

(1) If no opposition to a motion is filed within 14 days of service, the movant may file and contemporaneously serve a request for submission.

(2) A request for submission must be accompanied by a proposed order.

(3) If the non-movant does not file an opposition to the motion within 3 days of service of the request for submission (or 7 days if the request for submission was served by mail), the court may grant all or any part of the motion without a hearing.

(f) 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.

(g) 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."

(h) The first page of each motion, opposition (whether or not the opposition includes a countermotion), or reply shall include an option for the submitting party to request an oral argument hearing and, if desired, an option for requesting that the court schedule an in-person 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 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 and an affidavit supporting all factual averments. 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 countermotion.

(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 a 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, countermotion, 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 email 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. 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 5.506. 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, which shall be filed contemporaneously with the filing to which they relate.

(b) To be admissible at trial or in an evidentiary proceeding, all papers filed as exhibits shall be produced in discovery and Bates-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 5.507. 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. 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 not less than 24 hours before the hearing on the order to show cause by one of the following means:

- (1) personal service;
- (2) electronic service through the Eighth Judicial District Court's electronic filing system; or
- (3) via facsimile or email pursuant to a duly executed consent for service by electronic means.

(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 5.510. 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 a personal, telephonic, videoconference, or email conference between or among the parties. If a conference was not possible, the motion shall set forth the reasons.

Rule 5.511. Requirement to serve actual known address.

(a) When a party seeking relief from the court has actual knowledge that the personal information of a non-moving party on file with the court is not correct, then the moving party shall serve the known address and email address of the non-moving party in addition to the address on file with the court. All service made should be noted in the certificate of service.

(b) The failure of a moving party to attempt to provide actual notice to a non-moving party is grounds for setting aside a court order obtained in proceedings in which the non-moving party did not participate.

Rule 5.512. 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 5.513. 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 5.514. 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 5.515. 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 5.516. 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 NRCPP 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.

5.600 Stipulations, conferences, and hearings

Rule 5.601. Stipulations in family law proceedings.

(a) A stipulation must include the material terms of the subject matter addressed.

(b) A stipulation may be placed on the record in court.

(c) An out of court stipulation must be reduced to writing and subscribed by the party against whom the agreement is being enforced, or memorialized in a form providing clear and convincing evidence of the party's assent. Such a stipulation may provide that it is effective between the parties immediately.

(d) A stipulation adopted by the court shall be binding on the parties immediately, and shall be an enforceable order once written, signed by the court, and filed.

(e) A court-adopted stipulation concerning child custody shall be construed as including findings that it is in the best interest of the child and is not unconscionable, illegal, or in violation of public policy. Unless otherwise ordered, it shall be construed as a waiver of any additional detailed findings and shall be enforceable without additional specific best interest findings.

Rule 5.602. 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 5.603. 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 5.604. 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 5.605. Pre-trial conferences and calendar call.

(a) At the request of the court or a party, the court may conduct one or more pre-trial conferences or a calendar call, or both.

(b) The court may resolve, or schedule a conference to resolve, any evidentiary, procedural, scheduling, or other matters for the trial, including prospects of settlement, potential alternate methods of dispute resolution, readiness for trial, the exhibits to be submitted, the witnesses (including experts) to be actually called, or any other matters.

(c) Unless otherwise directed by the court, each party must provide to the court and any opposing party by the time of calendar call:

(1) All proposed exhibits, marked for identification.

(2) A typed exhibit list, identifying all stipulated exhibits.

(d) Failure to attend a pre-trial conference or calendar call or to provide the required materials may result in imposition of sanctions.

Rule 5.606. 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 1 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 5.607. 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 email. 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 continue or 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 or vacate 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 personal, telephonic, videoconference, or email conference within a time to be specified by the court.

Rule 5.608. 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 unless otherwise directed by the court, at: case management conferences; contempt hearings directed against that party; returns from mediation; and hearings on custody, child or spousal support, temporary possession of a residence, or protective orders.

Rule 5.609. In-person and virtual hearings.

(a) Unless otherwise directed by the court, all hearings except for evidentiary hearings, trials, and proceedings to show cause why sanctions should not be imposed shall be conducted utilizing simultaneous audiovisual or telephonic transmission equipment.

(b) A party filing a motion, opposition, or reply requesting an in-person hearing shall set forth the reasons for the request.

(c) Upon a minimum of seven days notice, the court may schedule or reschedule any hearing as an in-person hearing for good cause.

5.700 Orders and judgments

Rule 5.701. 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 5.702 Unopposed Motions and Summary Orders.

(a) The court may deny a motion at any time.

(b) The court may grant all or any part of a motion after an opposition has been filed or 21 days after service of the motion if no opposition was filed.

(c) Unless otherwise ordered, an order granting an unopposed motion should be construed as having adopted the factual allegations in the motion as findings.

(d) If an order granting an unopposed motion concerns child custody, it shall be construed as including findings that it is in the best interest of the child and is not unconscionable, illegal, or in violation of public policy without requiring additional specific best interest findings.

(e) The court may issue other written orders relating to motion filings as it deems appropriate.

Rule 5.703. Joint preliminary injunctions (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 5.704. 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) 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) The court may elect to provide written notice of entry. A party may waive notice of entry, in which case the date of entry of the written order or decree shall be treated as the date of service of notice of entry for all time limits normally calculated from service of notice of entry.

Rule 5.705. Default judgments.

(a) Unless the court requests the presentation of oral testimony, an application for a judgment by default must be made upon the personal affidavit of the party seeking default, on personal knowledge, setting forth facts that

would be admissible in evidence, showing that the affiant is competent to testify to those matters, and avoiding general conclusions or argument. A deficient affidavit may be stricken, wholly or in part, and the court may decline to consider the application for the default judgment. An affidavit may be accompanied by documentary evidence in support of the judgment sought.

(b) Unless otherwise provided by other rule, statute, or court order or direction, a request for entry of judgment by default, with any supporting affidavits and documentation, shall be placed on the court's chamber calendar for resolution.

Rule 5.706. Countersignatures and direct submission of orders.

(a) 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.

(b) 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 drafting 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 5.707. Notices.

(a) Unless otherwise directed by the court, all orders addressing child custody or child support shall include such notices as prescribed in a list maintained and publicized by the presiding judge.

(b) Unless otherwise directed by the court, all final orders shall include notice of the affirmative duty to update changes in personal information in a form prescribed and publicized by the presiding judge.

Rule 5.708. Filing orders. Any order, judgment or decree which has been signed by a judge must be filed with the clerk of the court promptly. No attorney may withhold or delay the filing of any such order, judgment, or decree for any reason.

Rule 5.709. 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 5.710. 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) 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.

(c) 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.

(d) 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.

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

Rule 5.711. Other ex parte orders and preliminary injunctions.

(a) Generally.

(1) This rule governs all requests for temporary restraining orders, other ex parte orders, and preliminary injunctions, except for those relating to domestic violence or joint preliminary injunctions, and supersedes the submission and notice rules applicable to regular motions.

(2) A party may file an ex parte motion, a noticed motion for a preliminary injunction, or both.

(3) Ex parte motions filed under this rule shall be filed in a special case number provided by the court for such motions on which no parties shall be maintained for automatic service in the Eighth Judicial District Court's electronic filing system, but otherwise with the same caption as all other documents in the case.

(4) Notice of filing an ex parte motion need not be provided where providing notice would frustrate the purpose of the order sought or cause a party or child to suffer irreparable injury.

(5) 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.

(6) 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.

(7) If not served by automatic service in the Eighth Judicial District Court's electronic filing system, every ex parte 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 motions.

(1) A motion for ex parte relief not more specifically governed by another rule must identify the circumstances claimed to require ex parte relief, any harm suffered or anticipated if it is not granted, 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. The motion will be granted only in cases of emergency.

(2) A motion for ex parte relief must be accompanied by a proposed order. Every order entered upon ex parte motion shall state with specificity the reasons for its issuance ex parte and the specific relief ordered.

(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 order shall contain an order setting a hearing on the subject matter as soon as is practicable.

(5) If the ex parte order concerns the taking of samples or drug testing, the results shall not be revealed to anyone pending a noticed hearing, unless the order specifies otherwise.

(6) If the ex parte order concerns the seizure of assets or information in any form, the subject matter shall be held without inspection, modification, or deletion pending a noticed hearing, unless the order specifies otherwise.

(c) Upon review of a motion for ex parte relief, the court may:

(1) Deny the motion;

(2) Direct the party requesting relief to file the motion in regular course;

(3) Set a hearing on the subject matter, with or without providing notice of the subject matter in the ex parte motion, direct whether the ex parte motion and all filings in support of its issuance must be served on the adverse party, and specify the time, if any, for filing of the adverse party's opposition and supporting filings; or

(4) Grant the ex parte motion in whole or part, or otherwise issue an order addressing the subject matter of the motion.

(d) If a motion for ex parte relief is denied, unless the court directs otherwise, the court shall file the order denying the motion in the regular case number and direct that the motion be re-filed in the regular case number.

(e) 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 noticed motion to dissolve or modify it.

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

Rule 5.712. Termination of Temporary Orders and Marital Community.

(a) Parties may stipulate to:

- (1) a valuation date for community and other joint property;
- (2) a date on which the marital community terminates.

(b) Unless otherwise ordered or stipulated, a written order granting a divorce, or rendering final judgment, or entering permanent orders, is to be treated as entered nunc pro tunc on the date that submission of evidence was closed. For divorces, the marital community terminates as of that date.

(c) If the court determines that information or events before entry of the written decree of divorce, final judgment, or permanent orders indicate that the interests of justice would be served by valuing community and other joint property using a valuation date other than the date that submission of evidence was closed, the court can use any date between the close of evidence and entry of the written decree, final judgment, or permanent orders.

(d) Behavioral orders made during an action are automatically incorporated in any final orders unless expressly terminated.

(e) Except as otherwise provided by other rule, statute, or court order, temporary orders made during an action terminate upon the court's oral or written pronouncement of permanent orders.

(f) Unless otherwise ordered, any arrearages accrued under temporary orders remaining unsatisfied at the time of termination of those temporary orders remain due and owing.

Rule 5.713. Nunc pro tunc orders.

(a) Nunc pro tunc orders may be issued to correct clerical omissions and errors if:

(1) There was a failure to file an order that was adjudicated, such that an order was rendered or could or should have been entered thereon immediately but for some reason was not entered as such on the judgment record; or

(2) There was a clerical error in the order or judgment, supported by the record, that is being corrected.

(b) A nunc pro tunc order must bear the caption “Amended Order of” The body of the amended order must be identical to the order being changed, except for the change itself, and conclude with language substantially as follows: “This is a nunc pro tunc order correcting the prior order of . . . dated” and identifying the correction made.