

Re: Nevada Rules of Civil Procedure Rules 16.205

The Nevada Rules of Civil Procedure (NRCP) govern the procedure in the district courts. The NRCP are to be construed and administered to secure the just, speedy, and inexpensive determination of every action. Once an action has been initiated, the parties participate in the discovery process. Discovery affords both parties the opportunity to learn about each other's cases. The NRCP govern the discovery rules. NRCP 16.205 specifically deals with the discovery process in Family Court matters.

FINANCIAL DISCLOSURE FORM:

Pursuant to **NRCP 16.205**, in paternity matters, or custody matters between unmarried parties where paternity is established, a party must complete the cover sheet, the “personal income schedule,” the “personal expense schedule,” and the “business income/expense schedule” portions of the General Financial Disclosure Form.

A party must file and serve the completed financial disclosure form **no later than 30 days after service of an answer or response to the complaint/petition**, unless the parties are otherwise required to file a Detailed Financial Disclosure Form, or the court orders otherwise upon the motion of a party or the stipulation of the parties. Upon motion, either party may request the court to order the filing by one or both parties of the Detailed Financial Disclosure Form, or portions thereof.

FAILURE TO FILE OR SERVE FINANCIAL DISCLOSURE FORM:

If a party fails to timely file or serve the Financial Disclosure Form under NRCP 16.205, the court **may** impose an appropriate sanction upon the party or the party's attorney, or both, if the court finds, by a preponderance of the evidence, that there is **not** good cause for the failure. **Sanctions may include:** (1) An order treating the party's failure as a contempt of court, which may include the allowable monetary fine or jail time; (2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence; or (3) An order requiring the party failing to timely file and serve the disclosure to pay the opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.

INITIAL DISCLOSURES:

A party must, without awaiting a discovery request, provide to the other party no later than the time required for the filing of his/her Financial Disclosure Form, the following information and documentation:

- (A) **Tax Returns.** Copies of all personal and business tax returns, balance sheets, profit and loss statements, and any documents that may assist in identifying or valuing any business or business interest for the last 2 completed calendar or fiscal years with respect to any business or entity in which the party has or had an interest;
- (B) **Proof of Income.** Proof of income of the party from all sources, specifically including W-2 forms, 1099 forms, and K-1 forms, for the last 2 completed calendar or fiscal years, and year-to-date income information (paycheck stubs, etc.) for the period commencing 6 months prior to service of the summons and complaint/petition through the date of disclosure;
- (C) **Insurance Policies.** Copies of all policy statements and evidence of the costs of premiums for health and life insurance policies covering either party or any child of the relationship, as well as evidence of the cost to separately cover the child/children of the relationship;
- (D) **Non-Expert Witnesses.** The name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including for impeachment or rebuttal, identifying the subjects of the information, and a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party or non-expert witness and that are discoverable under Rule 26(b). A party must make these initial disclosures based on the information then reasonably available to that party and is not excused from making the disclosures because the party has not fully completed an investigation of the case, or because the party challenges the sufficiency of another party's disclosures, or because another party has not made the required disclosures. Absent a court order or written stipulation of the parties, a party shall not be allowed to call a witness at the evidentiary hearing who has not been disclosed to the other party at least 45 days before trial; and
- (E) **Disclosure of Expert Witness and Testimony.** A party shall disclose to other parties the identity of any person who may be used at the evidentiary hearing to present evidence under NRS 50.275, 50.285, and 50.305.

CONTINUING DUTY TO SUPPLEMENT AND DISCLOSE:

A party must supplement or amend the party's General or Detailed Financial Disclosure Form within **21 days after the party acquires additional information or otherwise learns that in some material respect the party's disclosure is incomplete or incorrect.** If the supplemental disclosure includes an asset, liability, income, or expense omitted from the party's prior disclosure(s), the supplemental disclosure shall include an explanation as to why the item was omitted. The duty described herein shall be a continuing duty.

Please be sure you understand what is expected of you and what documents and information you are required to provide. I am here to help you, and I would like to make a necessary legal process as manageable as possible. If you have *any* questions, please do not hesitate to contact me at your earliest convenience.

Respectfully,

THE COOLEY LAW FIRM

A handwritten signature in black ink that reads "Shelly Booth Cooley". The signature is written in a cursive, flowing style.

Shelly Booth Cooley

State Bar of Nevada Certified Family Law Specialist