

RESIDENCY REQUIREMENTS FOR NEVADA DIVORCE

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Nevada law allows one to file for divorce as long as the person has continuously resided in the same Nevada county for six weeks. It does not matter if one's spouse does not reside in Nevada as a divorce action can be filed as long as the Plaintiff meets the aforementioned residency requirement.

Whether one is a Nevada resident is considered a “question of fact.” In other words, residency must be proven at trial. Factors the court will consider in determining residency include, but are not limited to: whether the person claiming residency has a Nevada driver's license and whether the person is registered to vote in Nevada.

If the parties are able to settle their divorce case, or if the matter is uncontested, residency must be proven through an “Affidavit of Resident Witness.” This is a document in which a third-party, unrelated to the case, attests to having seen the party continuously in one Nevada county for at least six weeks.

People may still be able to gain a Nevada divorce even if they do not meet the Nevada divorce residency requirement. If the parties last co-habitated in Nevada, or Nevada is the place where the Defendant may be found, then the parties may still file for a Nevada divorce.

Some persons who do not meet any of the above-requirements often believe they must divorce in Nevada if this is the state in which they were married¹. This is simply not correct. Persons wishing to gain a Nevada divorce must meet the requirements of this article to do so.

¹ <http://www.cicilianolawblog.com/2008/05/residency-requirements-for-nevada.html>

You should contact an attorney immediately if you wish to file for divorce. Click here for more information regarding contested divorce in Nevada. If you require information regarding uncontested Nevada divorces, click here.

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