

Simple, Uncontested Divorce Could Be Speedy

(Editor's Note: This is the second and final article in a series on divorces in Reno.)

By **CHERI CROSS**

Journal Staff Reporter

For the simple, uncontested divorce case where an agreement was reached before the divorcing party left his or her home state, the six weeks residency period may be all the time that is required for the stay in Reno.

Power of attorney can be

signed and acknowledged even before the divorcer leaves his home state, or it can be obtained any time before the complaint is filed.

In that case, a divorce complaint can be filed, submitted and disposed of on the day following the six weeks residency. That may entail a small additional fee for the Reno attorney who must appear for the defendant.

If the power of attorney is

not obtained before the complaint is filed, the defendant may be willing to execute an appearance and waiver. This can be signed and acknowledged after the complaint is filed, and when it reaches Reno, the case can be submitted.

When there is neither the power of attorney nor the appearance and waiver, and the defendant's address is known, after the complaint is filed and

the summons issued, papers are sent to the sheriff of the county where the defendant resides for service.

This takes another week or two. The defendant has 20 days after date of service to contest the action.

If there is no contest by 5 p.m. on the 20th day, the defendant is in default and the case can be submitted the following day.

The opposite party may also

be served by what is known as "constructive" or "substituted" service. In the event that the place of residence of the defendant is known, the summons is published once a week for four weeks in a local paper, and a copy of the summons and complaint is mailed to the defendant.

If the residence is unknown, the same publication may be made without requirement of mailing. The case can be heard

and determined 20 days after the date of the last publication if no contest is made.

In any case where there is a contest, the time involved may be from three months to a year and a half because of the congestion of the court calendars.

While there are ten grounds for divorce in Nevada, the actual reasons for the divorce are seldom brought out in court.

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Simple, Uncontested Divorce Suit May Require Just Six Weeks' Time

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The attorneys usually advise their clients to obtain the divorce on milder grounds rather than "washing out all their dirty linen" in the courtroom, as one attorney put it.

The exception, of course, would be the bitterly contested case where both parties want the divorce and the judge has to determine the property settlement.

Grounds for divorce are:

—Impotency at the time of the marriage continuing to the time of divorce.

—Adultery since the marriage, remaining unforgiven.

—Wilful desertion, at any time, of either party by the other, for the period of one year.

—Conviction of a felony or infamous crime.

—Habitual gross drunkenness, contracted since marriage, of either party, which shall incapacitate such party from contributing his or her share to the support of the family.

—Extreme cruelty in either party. (This may be either mental or physical.)

—Neglect of the husband, for a period of one year, to provide

the common necessities of life, when such neglect is not the result of poverty on the part of the husband which he could not avoid by ordinary industry.

—Insanity existing for two years prior to the commencement of the action. Corroborative evidence of the insanity of the defendant is required. The decree granted does not relieve the plaintiff from contributing to the support and maintenance of the defendant, but the plaintiff is required to post bond in

the amount fixed by the court.

—When the husband and wife have lived apart for one year without cohabitation, the court may, at its discretion, grant an absolute decree at the suit of either party.

—Incompatibility. This was added at the last session of the Nevada State Legislature.

When the divorce decree is granted, it is final for all purposes, and there is no interlocutory period. Both parties can immediately remarry.