

IN THE SUPREME COURT OF THE STATE OF NEVADA

Javier Ramirez
Appellant,

vs.

Mayra E. Arrequin
Respondent.

Supreme Court No. 71908

District Court No. 12DR10039113

FILED

JAN 24 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

PRO SE CHILD CUSTODY FAST TRACK STATEMENT

1. Name of party filing this fast track statement:

Javier Ramirez

2. Name, address, and telephone number of person submitting this fast track statement:

Javier Ramirez

1371 Village Way E

Gardnerville NV 89410 725-282-3926

3. Judicial district, county, and district court docket number of lower court proceedings:

First Judicial District Court of the State

of Nevada. Case# 12DR100391

4. Name of judge issuing judgment or order appealed from:

H. James T. Russell District Judge

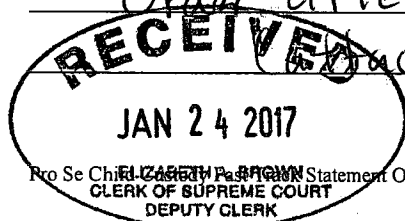
5. Length of trial or evidentiary hearing. If the order appealed from was entered following a trial or evidentiary hearing, then how many days did the trial or evidentiary hearing last?

2 hours.

6. Written order or judgment appealed from:

Order after October 27, 2016 Hearing

(Attached)



7. Date that written notice of the appealed written judgment or order's entry was served:

December 2nd 2016

8. If the time for filing the notice of appeal was tolled by the timely filing of a motion listed in NRAP 4(a)(4),

(a) specify the type of motion, and the date and method of service of the motion, and date of filing:

Not tolled, Notice of Appeal, served personally
and docketed with district court # 1 12/2/16

(b) date of entry of written order resolving tolling motion:

WFO

9. Date notice of appeal was filed:

December 5th 2016

10. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a), NRS 155.190, or other:

NRAP 4(a)

11. Specify the statute, rule or other authority, which grants this court jurisdiction to review the judgment or order appealed from:

12. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which involve the same or some of the same parties to this appeal:

Supreme Court of Appeals of the State of
Nevada No. 69823

13. Proceedings raising same issues. If you are aware of any other appeal or original proceeding presently pending before this court, which raise the same

legal issue(s) you intend to raise in this appeal, list the case name(s) and docket number(s) of those proceedings:

N/A

14. Procedural history. Briefly describe the procedural history of the case (you are encouraged, but not required, to support assertions made in this fast track statement regarding matters in the record by citing to the specific page number in the record that supports the assertions):

The Honorable court of appeals has reversed district court order dated January 6th 2016, Case No 99823

15. Statement of facts. Briefly set forth the facts material to the issues on appeal (you are encouraged, but not required, to support assertions made in this fast track statement regarding matters in the record by citing to the specific page number in the record that supports the assertions):

On hearing held on January 6th 2016, Mr. Kris Komarek and Mr. Chris Bayar children therapist and CASA advocate, under oath stated that the cause of Eduardo's encopresis was caused by me. therefore the Judge set up supervised visits with him to

be held at the Plon Wood Center. (see attached order).

It took 5 months for Mayra Arreguin to comply and to have visitation going, and an order to comply to as well (see attached) On my statement to the court on the January 6th hearing under oath I stated that I wasn't the cause of Eduardo's encephalitis but his addition to video games that later on was confirmed by Mr Komarek on his August 26, 2016 report (attached), without Mr Bayer addressing this at all, modifying my custody with both boys since his words to the Judge had him convinced that I was a threat to Eduardo.

On the hearing for October 27, 2016 this evidence was presented to the Judge which was ignored

Once again Mr. Komarek and Mr Bayer under oath testified that Mrs. Arreguin was the most suitable parent to have full physical custody of the children ignoring prior incidents of health issues school grades dropping, and orders from the court to allow me to have visitations rights.

Again the district court of Nevada

abuse his discretion on assuming that the evidence presented by Mr. Komareck and Mr. Bayer was enough, overseeing the prior orders to comply for Mrs. Arrequin. (see attached)

In addition the ~~do~~ claim that I have two (2) prior convictions of child abuse are not true and/or substantiated by the individuals claims.

NRS 125C.0035(2) states

"Preference must not be given to either parent for the sole reason that the parent is the mother or father of the child.

I feel that the District Court has protected and given special treatment and leaning towards mother despite of her prior incidents with the childrens and violence acts towards them.

In addition a new motion has been filled due to her non compliance of order, while Mr. Bayer has not expedite her informed the district courts of this at all, although ~~his~~ he is required to do so.

16. Issues on appeal. State concisely the principal issue(s) in this appeal:

My main issue is the ~~unjust~~ claims against me that they always bring to the judge, ignoring the true facts and protecting Mrs. Arrequin's actions allowing her to continue to alienate children from me, and to continue to ignore my father's rights, and my 14th Amendment of the Constitution by not allowing me to exercise my legal right to care for the children when injured.

I'm going on 3 months of not seeing Eduardo due to lack of funds and CASA's ignoring my request to have an alternative plan.

17. Legal argument, including authorities:

14th Amendment of the United States Constitution, deprivation of privileges as a father and access to the children

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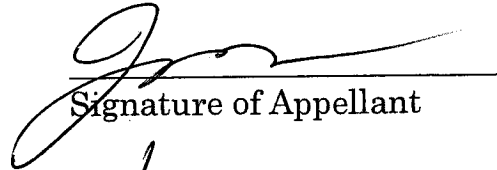
18. Issues of first impression or of public interest. Does this appeal present a substantial legal issue of first impression in this jurisdiction or one affecting an important public interest: Yes ☒ No ☐ If so, explain:

14th Amendment of the United States Constitution

VERIFICATION

I recognize that under NRAP 3E I am responsible for timely filing a fast track statement and that the Supreme Court of Nevada may impose sanctions for failing to timely file a fast track statement, or failing to raise material issues or arguments in the fast track statement. I therefore certify that the information provided in this fast track statement is true and complete to the best of my knowledge, information, and belief.

DATED this 24 day of January, 2017


Signature of Appellant

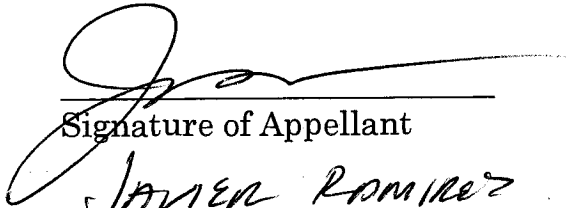
JAVIER RAMIREZ
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed child custody fast track statement upon all parties to the appeal as follows:

- ☒ By personally serving it upon him/her; or
☐ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

DATED this 24 day of January, 20 17


Signature of Appellant

JAVIER RAMIREZ
Print Name of Appellant

1371 Village Way F
Address

Gardnerville NV 89410
City/State/Zip

(775) 950 8046
Telephone 782-3926

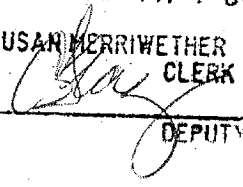
1 Case No.: 12 DR1 00391

2 Dept. No.: 1

REC'D & FILED

2016 JAN 12 PM 4:36

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,

10 Plaintiff,

11 v.

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14
15

ORDER AFTER JANUARY 6, 2016
HEARING

16 This matter is before this Court pursuant to Defendant's Ex Parte Motion Regarding
17 Children and Request for Submission filed on December 18, 2015. Thereafter, this Court issued
18 an Order Declining to Consider Ex Parte Motion on December 18, 2015 and set a hearing on the
19 matter for January 6, 2016. Present at the hearing and appearing in proper person was Defendant,
20 Javier Ramirez Rivas. Also present at the hearing and appearing in proper person was Plaintiff,
21 Mayra Arreguin. In attendance was Chris Bayer, CASA advocate for the parties' minor children,
22 EDUARDO JAVIER RAMIREZ (DOB: 04/13/2006) and CARLOS ADRIAN RAMIREZ
23 (DOB: 10/09/2007) and Kristopher Komarek, LCSW, the minor children's therapist.
24

25 In his Motion, Defendant expresses concern over the safety of the parties' minor children.
26 Defendant alleges that Plaintiff's brother, the minor children's uncle, Sergio Arreguin,
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1 disciplines the minor children in violation of a previous court order that forbids either party from
2 using any form of corporal punishment.

3 At the hearing and by request of the Court, Mr. Komarek testified as to his opinion and
4 observations of Defendant and the parties' minor children. Mr. Komarek articulated that he is a
5 licensed clinical social worker and that he has been meeting with the children for more than two-
6 and- a- half years. Upon inquiry of the Court, Mr. Komarek opined as to what he believes is in
7 the best interest of the minor children and elucidated that both Eduardo and Carlos suffer as a
8 result of Defendant's conduct. Additionally, Mr. Komarek echoed his concerns set forth in his
9 December 26, 2015 Report and explained that while the minor children could not specifically
10 identify why they were scared of Defendant, both shared that they were fearful of their father.
11 Lastly, Mr. Komarek discussed the minor children's anxiety and encopresis as a result of
12 Defendant's conduct.
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15 Defendant denied that he was the cause of his children's encopresis. Defendant suggested
16 that the cause of the children's encopresis was because of their habit of playing videogames and
17 forgoing the lavatory when necessary. Furthermore, Defendant represented that he is employed
18 at the Carson Valley Inn and now makes approximately \$1,400 per month.
19

20 Plaintiff thereafter explained how exhausted she was in having to deal with Defendant's
21 constant complaints and filings related to the parties' minor children. Plaintiff shared that she has
22 been dealing with Defendant and this conflict for more than four years and would like primary
23 physical custody. Upon inquiry of the Court, Plaintiff suggested that Defendant's visitation with
24 the parties' minor children should be limited to one time per month and that Defendant has failed
25 to pay child support for more than one year. Defendant retorted that his wages have been
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1 garnished by the state for payment of child support and ardently denied being behind on his
2 obligation.

3 While Assembly Bill 263 establishes a presumption of joint physical custody when
4 determining custody of a minor child, the sole consideration of the court remains the best interest
5 of the child. In this case, having heard the arguments from Plaintiff and Defendant, and
6 considered the reports submitted by Mr. Bayer and Mr. Komarek, the Court finds that it is in the
7 best interest of the minor children for Plaintiff to have primary physical custody of the parties'
8 minor children, EDUARDO JAVIER RAMIREZ (DOB: 04/13/2006) and CARLOS ADRIAN
9 RAMIREZ (DOB: 10/09/2007).
10

11 Furthermore, NRS 125B.070, Nevada's child support statute, sets forth a support
12 schedule based upon a parent's gross monthly income. Specifically, NRS 125B.070(1)(B)(2)
13 puts forward that when calculating support for two children, a parent's obligation for support is
14 25% of the noncustodial parent's gross monthly income. Here, Plaintiff and Defendant have two
15 minor child, EDUARDO JAVIER RAMIREZ (DOB: 04/13/2006) and CARLOS ADRIAN
16 RAMIREZ (DOB: 10/09/2007). Therefore, Defendant, the noncustodial parent, is responsible for
17 providing 25% of his gross monthly income, which calculates to be \$350 per month, as his
18 obligation for support for both children.
19
20

21 NRS 125B.080(7) provides that expenses for health care which are not reimbursed,
22 including expenses for medical, surgical, dental, orthodontic and optical expenses, must be borne
23 equally by both parents in the absence of extraordinary circumstances. Therefore, although the
24 minor children are currently on Medicaid, Defendant shall be responsible for one-half of all the
25 minor child's out of pocket medical expenses not covered by insurance. *See* NRS 125B.080(7).
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1 Lastly, the Court has attempted to have Lisa Yetis appointed as a parent coordinator but
2 she is not available, and the Court is at a loss as to who would do this job in light of Mr.
3 Ramirez's conduct.

4 Therefore, based on the foregoing and good cause appearing,

5 IT IS HEREBY ORDERED that Plaintiff, MAYRA ARREGUIN, have primary physical
6 custody of the parties' minor children.
7

8 IT IS FURTHER ORDERED that Defendant shall have visitation with CARLOS
9 ADRIAN RAMIREZ (DOB: 10/09/2007) every other Friday from approximately 3:00 P.M. to
10 9:00 P.M.
11

12 IT IS FURTHER ORDERED that Defendant shall have supervised visitation with
13 EDUARDO JAVIER RAMIREZ (DOB: 04/13/2006) every other Thursday at the Ron Woods
14 Center located at 2621 Northgate Lane Suite 62, Carson City from 5:00 P.M. to 6:00 P.M.
15 Defendant shall bear the cost of said visitation.

16 IT IS FURTHER ORDERED that Defendant shall pay \$350 per month as his obligation
17 for child support. Payments shall be made on the first of every month and shall commence on
18 February 1, 2016. If in fact the State of Nevada has been garnishing Defendant's wages for his
19 child support obligation, this provision shall severe the amount to be paid.
20

21 IT IS FURTHER ORDERED that both parties shall participate in Children in the Middle,
22 a co-parenting program for divorcing and separating parents at [www.online.divorce-](http://www.online.divorce-education.com)
23 [education.com](http://www.online.divorce-education.com). The Court shall pay for both, Plaintiff and Defendant, to participate in said
24 program. The parties are to participate in this program and provide proof thereof, after which the
25 Court will reimburse them for the cost of the program.
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1 IT IS FURTHER ORDERED that Defendant can continue to visit the minor children
2 during their lunch break at school, but no more than two days a week.

3 IT IS FURTHER ORDERED that Defendant may contact the minor children through
4 Plaintiff every Wednesday night between 6:30 P.M. and 7:00 P.M. Plaintiff shall immediately
5 give the telephone to the children if they decide to communicate with Defendant. Should
6 Plaintiff be unavailable to pick up the phone when Defendant calls, Plaintiff shall call Defendant
7 back at her earliest convenience.
8

9 IT IS FURTHER ORDERED that Plaintiff may claim the minor children as a tax
10 deduction for 2015, and Defendant may claim the minor children as a tax deduction for 2016;
11 and then alternate even and odd numbered years thereafter.
12

13 IT IS FURTHER ORDERED that in accordance with NRS 125B.080 (7) the parties shall split
14 the cost of all medical expenses, to include all insurance premiums.
15

16 IT IS FURTHER ORDERED that the 30/30 Rule shall apply. Should a parent
17 incur a health expense for a child and wish to be reimbursed by the other parent for the
18 parent's one-half share, the parent incurring the medical expenses shall provide the parent from
19 whom the reimbursement is sought with the bill, receipt and explanation of benefit form (where
20 applicable), and a letter requesting reimbursement for the expense within thirty (30) days of the
21 health provider's service. The receiving parent shall then have thirty (30) days to pay his/her
22 one-half share of the documented expenses, or, to make arrangements with the other parent to
23 pay his/her one-half share of the documented expenses in monthly payments, or by making
24 arrangements directly with the health provider for any outstanding bills. Should the parent
25 incurring the health expense fail to provide the other parent with a letter requesting
26 reimbursement and the supporting documentation, within thirty (30) days, that parent forfeits
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1 the right to seek reimbursement for those expenses. The parties are required to use preferred
2 medical providers whenever possible, and to otherwise comply with all insurance provisions in
3 order to maximize insurance coverage and minimize out of pocket expenses.

4 IT IS FURTHER ORDERED that any provision of a previous Order not in conflict with
5 the instant Order shall remain in effect and be read in harmony with this instant Order.
6

7 IT IS FURTHER ORDERED that both parties shall refrain from using any disparaging
8 language towards one another. Plaintiff and Defendant shall not use the minor children as a
9 vessel to communicate messages to one another.
10

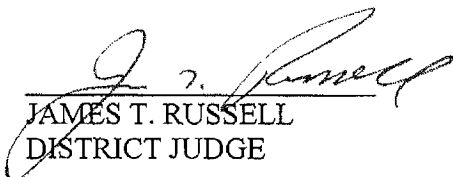
11 **NOTICE**

12 **PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,**
13 **CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS**
14 **PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS**
15 **200.359 provides that every person having a limited right of custody to a child or any**
16 **parent having no right of custody to the child who willfully detains, conceals or removes the**
17 **child from a parent, guardian or other person having lawful custody or a right of visitation**
18 **of the child in violation of an order of this court, or removes the child from the jurisdiction**
19 **of the court without the consent of either the court or all persons who have the right to**
20 **custody or visitation is subject to being punished for a category D felony as provided in**
21 **NRS 193.130**

22 The parties are hereby notified that the terms of the Hague Convention on the Civil
23 Aspects of International Child Abduction, done at the Hague October 25, 1980, adopted by
24 the 14th session of the Hague Conference on Private International law, and entered into
25 force for the United State July 1, 1988 (TIAS 11670) apply if a parent abducts or
26 wrongfully retains a child in a foreign country
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28 **IT IS SO ORDERED.**

Dated this 12th day of January, 2016.


JAMES T. RUSSELL
DISTRICT JUDGE

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Chris Bayer, CASA
Email: casaofcc@earthlink.net


Krystopher Benyamein
Law Clerk, Dept. 1



CASE: 12 DR1 00391 1B

April 2016

MOTHER: Mayra Arreguin

FATHER: Javier Ramirez

CHILDREN:

Eduardo Ramirez: DOB: 4/13/06 10/16/14

Carlos Adrian Ramirez (called Adrian): DOB: 10/9/07

The Honorable Judge Russell

copies of this emailed to both parents.

CASA requests a hearing to bring the parents together and get Lisa Yesitis on the phone in order to schedule a regular supervised visit for Eduardo's with his father. Alternately, the Court might order 4pm on Thursdays at the Ron Wood Center, to begin immediately. Eduardo would then miss church class. That spot will only be open another week.

Since the last hearing, the Court ordered visit time didn't work for the Ron Wood Center. CASA as well as the Ron Wood Family Resource Center—Lisa Yesitis—have been going back and forth between Ms. Arreguin and Mr. Ramirez trying to set up supervised visits for Eduardo with Mr. Ramirez. Mr. Ramirez wanted 5pm. Ron Wood couldn't do 5pm. They had 2:30 on Mondays. This would have interfered with school. They suggested Lake Tahoe. I tried to call Ms. Arreguin. She didn't call back. I mentioned this to Mr. Komarek—asking him to remind her to respond. Ms. Arreguin called and said Thursdays are her day off. CASA talked to Ms. Yesitis about 4pm Thursday. I talked to Mr. Ramirez about 4pm Thursday. Then Ms. Arreguin said Thursdays won't work because of a church class. Then CASA sent her a list of dates. Days have gone by. The Ron Wood Center is finding people to fill those times.

My impression is that unless there is an order that fits the situation today—4 pm Thursday will work except for Eduardo missing church class—or a hearing, Eduardo will not see his father all summer. Mr. Ramirez has been able to see Eduardo at school and, as Mr. Komarek's reports state, this environment works fine for Eduardo. However, school is soon going to end. The only way to accomplish scheduling a visit time appears to be a hearing with the parties present and the Ron Wood Center on the phone.

It's important to Eduardo to have safe, regular contact with his father and for the parents to address this.

Respectfully submitted,
Chris Bayer,
CASA for Eduardo and Carlos


1 Case No.: 12 DR1 00391

2 Dept. No.: 1

REC'D & FILED

2016 APR 29 PM 3:45

SUSAN MERRIWETHER
CLERK

BY  DEPUTY

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA ARREGUIN,

10 Plaintiff,

11 v.

ORDER TO COMPLY

12 JAVIER RAMIREZ RIVAS,

13 Defendant.
14

15
16 This matter is pending before the Court pursuant to a letter provided by Chris Bayer, the
17 Court Appointed Special Advocate for Eduardo Ramirez and Carlos Ramirez. In his letter, Mr.
18 Bayer explains that Plaintiff has failed to abide by this Court's Order requiring her to contact the
19 Ron Woods Center in order to establish visitation with the minor children and Defendant.
20

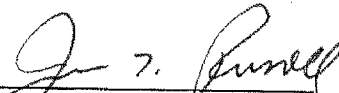
21 Having read the aforementioned letter, this Court finds that Plaintiff shall immediately
22 comply with this Court's Order Regarding Visitation issued on April 20, 2016, or a hearing will
23 be held as to why she should not be held in contempt of court and punished by up to twenty-five
24 (25) days in jail and a \$500.00 fine. *See* NRS 22.100

25 Therefore, based on the foregoing and good cause appearing;
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1 IT IS HEREBY ORDERED that Plaintiff immediately comply with this Court's Order
2 Regarding Visitation issued on April 20, 2016 and work with the Ron Woods Center to fill out
3 any and all appropriate paperwork to begin the visitation process.

4 **IT IS SO ORDERED.**

5 Dated this 29th day of April, 2016.

7 
8 JAMES T. RUSSELL
9 DISTRICT JUDGE


CERTIFICATE OF MAILING

I hereby certify that on the 2nd day of **MAY** 2016, I served a copy of the foregoing
by placing the foregoing in the United States Mail, postage prepaid, addressed as follows:

Javier Ramirez
1371 Village Way #F
Gardnerville, NV 89410

Mayra Arreguin
Confidential Address

Chris Bayer, CASA
Email: casaofcc@earthlink.net



Krystopher Benyamein
Law Clerk, Dept. 1

FROM CASA- 12 DR1 00391 1B --Letter re Ramirez, cc to Court,
Mr. Ramirez and Ron Wood Center. @Ramirez

Chris Bayer <casaofcc@earthlink.net>

Fri 5/13/2016 12:30 PM

To: Casa <casaofcc@earthlink.net>;

Ms. Arreguin, (cc. Carson City District Court, Mr. Javier Ramirez, Ron Wood Center)

May 13, 2016

I am sending you this email and am copying it to the District Court, Mr. Ramirez and the Ron Wood Center.

Eduardo was not provided for the scheduled visit with Mr. Ramirez on May 11. The Ron Wood Center tells me that, well in advance, they communicated that date with you—May 11, 4pm. My emails, phone calls and reports to the court (copied to you) included this date based on those planning efforts.

When you did not bring Eduardo to the Ron Wood Center on May 11, I contacted the Ron Wood Center and was again told that they had communicated that time and date with you, visits every other Wednesday following the one on May 11.

Yesterday, May 12, I spoke with you on the phone. You stated that you thought the Wednesday visits should start next week. I asked you to call the Ron Wood Center and clarify the time and date with them. The Ron Wood Center informed me that they have spoken with you today and have repeated to you that the next visit for Eduardo with Mr. Ramirez will be on May 25 and every other Wednesday after that.

I will be reporting to the Court whether that visit and ensuing visits occur on time. My belief is that you should pay to the Ron Wood Center the \$35 for the missed visit on May 11 and the Court may wish to order that that occur.

Please contact me ahead of time if there are any problems.

Chris Bayer,

CASA for EDUARDO AND CARLOS

www.casaofcc.org

[775 291-7014](tel:7752917014)

NOTICE: This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the recipient is strictly prohibited by the electronic Communications Privacy Act, 18 U.S. C. 2510-2521. If you are not the intended recipient, please contact the sender by reply email, delete and destroy all copies of the original message.



Report to CASA
August 26, 2016
Eduardo and Carlos Ramirez

Weekly therapy continues to be scheduled with the children although during this month a couple of visits have been cancelled because of other family medical needs conflicting with the schedule.

Of particular note however, is a discovery that Eduardo has been purposely wetting himself and his bed as revenge against his mother for her following this writer's recommendations of suspending his access to video games over the course of the last six months or so. Eduardo's access to video games was suspended because he could not control himself when it came to the games. Addressed Eduardo's revenge behaviors in a therapy session early in the month. Carlos is maintaining his positive behaviors.

It is recommended that weekly therapy continue with the children in order to follow up on situational issues and for support of the children and their mother.

Respectfully,

Kristopher L. Komarek, LCSW

783 Basque Way, Suite 110
Phone: 775-400-2996 Fax: 866-244-3992
Carson City, NV 89706
www.familywellnesscenter.net

REC'D & FILED

2016 NOV -4 PM 4:09

SUSAN HERRIWETHER
CLERK

BY  DEPUTY

1 Case No.: 12 DR1 00391 1B

2 Dept. No.: 1

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6 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR CARSON CITY

8
9 MAYRA E. ARREGUIN,

10 Plaintiff,

11 vs.

12 JAVIER RAMIREZ RIVAS,
13 Defendant.

ORDER AFTER OCTOBER 27, 2016
HEARING

14 **THIS MATTER** comes before this Court pursuant to the Court's Order Setting Hearing
15 filed on September 27, 2016. The Court set the hearing after receiving an Order of Reversal and
16 Remand issued by the Nevada Court of Appeals on September 20, 2016. The Court held a
17 hearing on October 27, 2016 at 9:00 a.m. Present at the hearing was Mayra Arreguin and Javier
18 Ramirez Rivas, both in proper person. Ms. Escobar provided interpreter service to Mayra
19 Arreguin. Also present was Chris Bayer, the CASA assigned to the children in this matter, and
20 Kristopher Komarek, LCSW, the children's therapist.

21 Mr. Komarek swore an oath to tell the truth and proceeded to testify regarding his
22 involvement with the children. He stated that he has been the children's therapist for the past
23 three years, and began therapy after the children experienced difficulties surrounding their
24 parents' divorce. He stated that there remains a high level of conflict between the parties. He
25 explained to the Court that based on his frequent sessions with the children, it is his professional
26 opinion that there is no indication that the children's visitation schedule should be changed.

27 ///

1 Mr. Kormarek updated the Court as to the well-being of the children. He stated that
2 Eduardo continues to experience problems with urises, and attributes that to the totality of the
3 trauma he experienced throughout the parties' divorce. Mr. Kormarek also explained that Mr.
4 Ramirez has a difficult personality, which has at times made therapy more difficult. However,
5 Mr. Kormarek testified that it is his professional opinion that it is important for the children to
6 have a relationship with Mr. Ramirez. During cross examination, Mr. Kormarek explained that
7 issues with bedwetting are being addressed in therapy, and that there is no known abuse in the
8 home related to the bedwetting.

9 Chris Bayer swore an oath to tell the truth and proceeding to testify to the Court about his
10 involvement as the children's CASA. Mr. Bayer explained to the Court that it is clear that Mr.
11 Ramirez loves his children, however, Mr. Ramirez struggles to create positive interactions with
12 the children. He also stated that he continues to observe a high level of conflict between the
13 parties. He explained that Mr. Ramirez tends to cause "unnecessary negative emotions.
14 Examples of this include a time when he noticed an old scar on one of the childrens' hands and
15 pressed for emergency medical attention despite having talked to the school nurse who
16 concluded that there was no emergency; Mr. Ramirez refused to accept reasonable visitation
17 conditions, like eliminating discussion of Ms. Arreguin, when the parties attempted to expand
18 visitation; Mr. Ramirez continually tries to initiate conflict with Ms. Arreguin; further, Mr.
19 Ramirez has two prior incidences of abuse.

20 Mr. Bayer stated that in his opinion as the children's CASA, it is in their best interest to
21 continue visitation as it is currently scheduled. Based on his interactions with Ms. Arreguin and
22 the children over the past few years, he opined that primary physical custody with Ms. Arreguin
23 is in the children's best interests. He explained that while both parties have displayed issues with
24 their parenting, Ms. Arreguin has successfully made efforts to improve her parenting skills and
25 Mr. Ramirez continues to be disruptive. Further, during visitations Mr. Ramirez refuses to
26 support Ms. Arreguin's parenting boundaries, which both confuses the children and causes them
27 to resist those boundaries when they return to Ms. Arreguin's custody.

28 ///

1 Ms. Arreguin then swore an oath to tell the truth and proceeded to testify before the
2 Court. She stated that the children are doing well in her care, aside from minor issues like
3 bedwetting that are being addressed in therapy. She stated that it is her practice to do what is best
4 for the children on a daily basis. She also explained that the children have their own rooms at her
5 house. Regarding the incident with the cut/scar on one of the boys' hand, she provided first aid
6 initially and then had it looked at during a routine doctor's visit where the doctor stated that there
7 was no problem. An issue of the children allegedly going to work was brought up. Ms. Arreguin
8 explained that her partner is a gardener, and after the boys lost an expensive toy she had them go
9 along with her partner and participate in some gardening work for a few hours to teach them
10 about responsibility, hard work, and to take care of their belongings. She explained that the
11 children only did this a few times. Ms. Arreguin also brought up the issue of child support,
12 stating that Mr. Ramirez has not paid arrearages nor current child support as previously ordered.

13 Mr. Ramirez then addressed the Court. He claimed that Mr. Bayer and Mr. Kornarek do
14 not have the correct facts for which they are testifying. He informed the Court that he does not
15 have a vehicle to provide transportation for visitation. He also stated that his wages are not
16 currently being garnished, and that he has not made a payment since he was ordered to do so in
17 May 2016.

18 The Court made findings of fact pursuant to NRS 125C.0035(4). The Court found that at
19 this time the children are of insufficient age to articulate their preference as to their custody. No
20 guardian has been nominated in this case, so that factor is not applicable at this time. The Court
21 found that there is an extreme level of conflict between the parties, and much of that conflict is
22 initiated by Mr. Ramirez. The Court found that with every issue, regardless of how minor it may
23 be, Mr. Ramirez creates a major conflict. Ms. Arreguin is the parent most likely to allow for
24 visitation with the other parent, because she has a steady history of providing for visitation
25 between the children and Mr. Ramirez. Ms. Arreguin has the ability to cooperate with Mr.
26 Ramirez to meet the needs of the children. She also provides a stable environment. The Court
27 found that the nature of the relationship between Ms. Arreguin and the children is a loving and
28 positive one. On the other hand the nature of the relationship between the children and Mr.
Ramirez is not as positive: there is a history of abuse, issues with bedwetting related to his

1 interactions with the children, and recurring issues with the children's behavior after visitation
2 with Mr. Ramirez.

3 The Court recognizes that the children care for Mr. Ramirez, but the Court finds that joint
4 physical custody is not in their best interests based on the above findings. The Court found that
5 visitation shall essentially continue as ordered in the Order Regarding Visitation filed April 20,
6 2016, with the exception that it be expanded to weekly, because Mr. Ramirez has refused to
7 accept any parameters that have been proposed when either party attempts to increase visitation.
8 Each week, Mr. Ramirez shall have visitation with Eduardo on Wednesdays from 4 p.m. until 5
9 p.m., supervised at the Ron Wood Center. Ms. Arreguin shall provide for the transportation of
10 Eduardo to and from the Ron Wood Center. Mr. Ramirez shall have visitation with Carlos every
11 Sunday from 3:30 p.m. until 9 p.m., unsupervised. Each party shall meet at the Carson City
12 Sheriff's Office to exchange Carlos.

13 Regarding child support, Mr. Ramirez shall provide the Court with his two most recent
14 pay stubs within ten (10) days of the filing of this order. His failure to do so will be contempt of
15 this Court. Mr. Ramirez shall pay the nine hundred and eighty dollars (\$980.00) in arrearages
16 ordered in the Order After July 13, 2016 order, directly to Ms. Arreguin within 30 days. Further,
17 Mr. Ramirez shall pay to Ms. Arreguin directly arrearages for support owed for the months of
18 August, September, and October, in the amount of three hundred dollars (\$300) per month,
19 within 30 days from the date of filing this order. Any future payments shall be made to the child
20 support office in Carson City, in the amount of three hundred dollars (\$300) per month. Failure
21 to make the above payments will result in a hearing for contempt.

22 The Court also holds that Mr. Ramirez shall be listed as a secondary emergency contact
23 for the children's school, medical providers, and after school care, to be used if there is an
24 emergency and Ms. Arreguin is not available. As it relates to previous orders of this Court,
25 "medical emergency," shall mean those emergencies deemed as such by a qualified medical
26 professional.

27 ///

1 **IT IS HEREBY ORDERED** that Ms. Arreguin shall have primary physical custody of
2 EDUARDO JAVIER RAMIREZ (DOB: 04/13/2006) and CARLOS ADRIAN RAMIREZ
3 (DOB: 10/09/2007).

4 IT IS FURTHER ORDERED that Mr. Ramirez shall have visitation with Eduardo on
5 Wednesdays from 4 p.m. until 5 p.m., supervised at the Ron Wood Center. Ms. Arreguin shall
6 provide for the transportation of Eduardo to and from the Ron Wood Center. Mr. Ramirez shall
7 have visitation with Carlos every Sunday from 3:30 p.m. until 9 p.m. Each party shall meet at the
8 Carson City Sheriff's Office to exchange Carlos. This visitation schedule is subject to change
9 based on Mr. Ramirez's work schedule.

10 IT IS FURTHER ORDERED that Mr. Ramirez shall submit his two most current pay
11 stubs to the Court within 10 days of the filing of this order.

12 IT IS FURTHER ORDERED that Mr. Ramirez shall pay the nine hundred and eighty
13 dollars (\$980.00) in arrearages ordered in the Order After July 13, 2016 order, directly to Ms.
14 Arreguin within 30 days.

15 IT IS FURTHER ORDERED that Mr. Ramirez shall pay to Ms. Arreguin directly
16 arrearages for support owed for the months of August, September, and October, in the amount of
17 three hundred dollars (\$300) per month, within 30 days of the date of filing of this order.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 IT IS FURTHER ORDERED that beginning in November 2016 Mr. Ramirez shall
2 submit child support payments to the child support office in Carson City, in the amount of three
3 hundred dollars (\$300) per month.

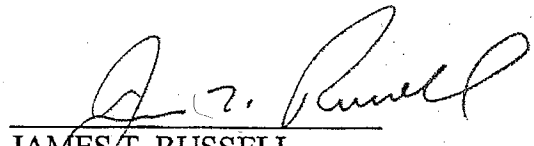
4 **NOTICE**

5 **PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION,**
6 **CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS**
7 **PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS**
8 **200.359 provides that every person having a limited right of custody to a child or any**
9 **parent having no right of custody to the child who willfully detains, conceals or removes the**
10 **child from a parent, guardian or other person having lawful custody or a right of visitation**
11 **of the child in violation of an order of this court, or removes the child from the jurisdiction**
12 **of the court without the consent of either the court or all persons who have the right to**
13 **custody or visitation is subject to being punished for a category D felony as provided in**
14 **NRS 193.130.**

15 The parties are hereby notified that the terms of the Hague Convention on the Civil
16 Aspects of International Child Abduction, done at the Hague October 25, 1980, adopted by
17 the 14th session of the Hague Conference on Private International law, and entered into
18 force for the United State July 1, 1988 (TIAS 11670) apply if a parent abducts or
19 wrongfully retains a child in a foreign country.

20 **IT IS SO ORDERED.**

21 Dated this 4th day of November, 2016.

22 
23 JAMES T. RUSSELL
24 DISTRICT JUDGE
25
26
27
28

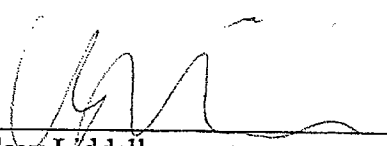
CERTIFICATE OF MAILING

The undersigned, an employee of the First Judicial District Court, hereby certifies that on the 4 day of November, 2016, I served the foregoing Order by placing a copy in the United States Mail, postage prepaid, addressed as follows:

Javier Ramirez
1371 Village Way #F
Gardnerville, NV 89410

Mayra Arreguin
CONFIDENTIAL ADDRESS
1756 Russel Way, Apt E
Carson City, NV 89706

Chris Bayer, CASA
Email: casaofcc@earthlink.net



Lindsay Liddell
Law Clerk, Dept. 1



November 30, 2016

CASA Report

Eduardo and Carlos Ramirez

Carlos is currently not attending therapy with this writer. He is attending an afterschool program for academic assistance with his math at the same time therapy is scheduled.

Eduardo continues to attend weekly therapy with this writer. Over the course of this month therapy has focused on Eduardo's feelings toward his parent's divorce and his conflict about his current living situation. I am pleased to report that significant progress has been made in helping Eduardo identify, express and process his feelings about the divorce. He is working hard to put his experiences of the last several years into a healthier context, releasing buried anger, openly expressing his grief and seeking comfort and support.

It is recommended that Eduardo continue with weekly therapy for support and continued work on his feelings about the divorce.

Respectfully,

A handwritten signature in dark ink, appearing to read "Kristopher L. Komarek, LCSW". The signature is fluid and cursive, with the last name "Komarek" being the most prominent part.

Kristopher L. Komarek, LCSW

783 Basque Way, Suite 110
Phone: 775-400-2996 Fax: 866-244-3992
Carson City, NV 89706
www.familywellnesscenter.net

Your Name:
Mailing Address:
City, State, Zip:
Telephone:
In Proper Person

Javier Ramirez
1371 Village Way F
Gardnerville NV 89410
(775) 782 3920

REC'D & FILED

2016 DEC 28 PM 3:27

SUSAN MERRIWETHER
CLERK

BY V. Alegria
DEPUTY

**In The First Judicial District Court of the State of Nevada
In and for Carson City**

Mayra F. Arreguin
Plaintiff/Petitioner,

) Case No.: 12DIR1003911B

) Dept. No.: 1

vs.

) **MOTION**

Javier Ramirez
Defendant/Respondent.)

) To show cause for
contemp of court.

I Javier Ramirez, appearing in Proper Person,
(Your Name)
request that the Court enter an Order granting me the following:

State what you want the Court to order. If you have more than one request, clearly list and number each request. Do not explain your requests in detail here, just list them.

- 1- To schedule hearing for contempt of court by Plaintiff
- 2- To grant defendant equal cooting and legal joint custody rights for children.
- 3- Replacment of current therapist.
- 4- Change of venue to original court house in Minden, NV.

Fully explain why you believe you should be granted your request(s).
List and number each request.

This Motion is made for the following reasons:

(see attached)

Despited emails and warnings from this writer and the court, Mrs. Arreguin continues to alienated children from me, denying me access to them thru my weekly and only phone call on Mondays, along with parenting time on Sundays. Mr. Bayer has been aware of this and I'm yet to see any action from his part, and Ior notify this court promptly. I want this court to imposed the proper sanctions per NRS 125 C. 020. and 125 C. 030 to plaintiff as well as NV Rev. stat §125.460 (2013) and substitute current therapist to one that encourages both parents for a much better environment on the benefit of the children.

Per better of petition of plaintiff to have this court take over custody and usitation from original venue, I pledge to this court the same on the same grounds, per plaintiff, and forward case to Douglas County Nevada.

1 (If you need more room, you may attach additional sheets of paper. Be sure you write only on
2 one side of each sheet, number the page or pages 3(a), 3(b), etc. and initial each page at the
3 bottom.)

4 This document does **not** contain the Social Security number of any person.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
6 is true and correct.

7 DATED this 28 day of December, 2016.

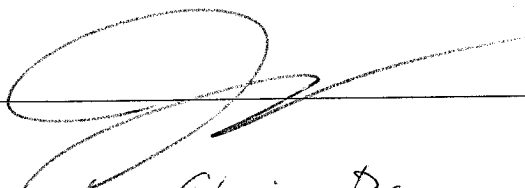
8 
9 (Your Signature)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), the undersigned hereby certifies that on this date, I deposited a true and correct copy of the foregoing Motion in the U.S. Mail with postage pre-paid thereon, addressed to:

Mayra E. Arreguin
1756 Russel Way Apt F
Carson City NV 89706

Dated this 28 day of December, 2016.


and Personally served Chris Bayer for CASA
via Email to Tom Carr for Father's Rights

Next idea?.....Suggestion?

From: Mayra Arreguin <mayra_ae20@hotmail.com>

Sent: Sunday, November 6, 2016 1:04 PM

To: javier ramirez

Cc: Chris Bayer

Subject: Fwd: Exchange 11/6/16

I cant go and adrian already went with you friday and we will start next sunday and it's 2:30 pm

----- Forwarded message -----

From: "javier ramirez" <viveenmi2011@hotmail.com>

Date: Sun, Nov 6, 2016 at 12:47 PM -0800

Subject: Exchange 11/6/16

To: "Mayra Arreguin" <mayra_ae20@hotmail.com>, "casaofcc@earthlink.net" <casaofcc@earthlink.net>

Mayra :

Per the new order and suggestion of Chris. I will picking up Carlos at 3:30 pm today. at the sheriffs office.

Please confirm that you have received this. and that you will be there

Thank you

Javier

On 11/7/16, 11:23 AM, javier ramirez wrote:

Hi Chris:

I never heard back from you.....What are going to do about yesterday?

Thank You

From: javier ramirez <viveenmi2011@hotmail.com>

Sent: Sunday, November 6, 2016 1:54 PM

To: Chris Bayer

Subject: Re: Exchange 11/6/16

Maybe I can't , but you do,...

From: Chris Bayer <casaofcc@earthlink.net>

Sent: Sunday, November 6, 2016 1:51 PM

To: javier ramirez

Subject: Re: Exchange 11/6/16

If she doesn't bring him then you probably would waste a trip to go.
The order goes into effect when signed. But I don't think there's anything you can do about it.

Thanks!

Chris Bayer,
Director, CASA of Carson City.
www.casaofcc.org

CASA of CC

www.casaofcc.org

Trains and supports volunteers in Carson City, Nevada to speak in court on behalf of children who have been removed from the home due to allegations of abuse and neglect.

775 291-7014

Re: Exchange 11/6/16

javier ramirez <viveenmi2011@hotmail.com>

Mon 11/7/2016 1:08 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>;

Hi Chris...

I was there since 2:30 pm... I she never showed up...

Honestly I wasn't going to bother you with this ,as I recall I keep being told that I keep overreacting to "small stuff" and that I cause the tension between me and her, and /or blame her for everything,... I don't think that in this case along with the other instances (her not showing up for the visits with Eduardo) I made a big issue about it,.. Trust me I had waited with a lot of patience in every occasion, but if I'm wrong please tell me.

You spent a lot of time of this last week ,and we had a conversation that the exchange would take place on Sunday, I don't see any argument between me and her.

We have an order , we had a hearing and nothing changes..

By the way,,,, It was only Carlos that I was supposed to pick up....

From: casaofcc@earthlink.net <casaofcc@earthlink.net>

Sent: Monday, November 7, 2016 12:47 PM

To: javier ramirez

Subject: Re: Exchange 11/6/16

If you wish to file a motion you can.

I am going to pick my battles.

I wish she had done it.

I wish you would show up and return the boys on time.

But you both keep the argument going.

C

visit

javier ramirez <viveenmi2011@hotmail.com>

Tue 11/22/2016 10:41 AM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>; Mayra Arreguin <mayra_ae20@hotmail.com>;

Mayra;

Again I need to cancel the visitation for tomorrow, because of lack of funds.....I sent you an email last night about the calls on Mondays and i'm waiting on your reply.

Thank You

javier

Mayra, Chris:

I just got off the phone with Connie, which is the person that monitors the visits.. and to set up the visit for this week, with the option of me paying on Thursday since that is the day the i get my unemployment..Unfortunately Lisa is gone from the office until the beginning of next year, so the visit will not occur once again.

I had been waiting patiently on replies to my emails on this and other issues and I'm yet to be acknowledge at all.

When do I get answers?

Javier

Visitation and phone call

javier ramirez <viveenmi2011@hotmail.com>

Tue 12/20/2016 1:56 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>; Mayra Arreguin <mayra_ae20@hotmail.com>;

Mayra:

I couldn't afford the visit again at the Ron Wood Center.....So I cancelled it

Last night I called to talk to the kids as per order, I left you a message and I'm still waiting on your reply. A couple of weeks ago I asked to please let me know ahead of time if your work schedule stops you from having the kids available to me, yet I'm still waiting on an answer on that email as well,,let me know how you and I can come to an agreement to avoid this not later than tomorrow.

Thank You

Javier

Re: Visitation

Chris Bayer <casaofcc@earthlink.net>

Tue 12/27/2016 3:57 PM

To:javier ramirez <viveenmi2011@hotmail.com>;

I spoke to Jose and am waiting to hear from Mayra.
I'll leave her another message.

Thanks!

Chris Bayer,
Director, CASA of Carson City.
www.casaofcc.org
775 291-7014

NOTICE: This communication, including any attachments, may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the recipient is strictly prohibited by the electronic Communications Privacy Act, 18 U.S. C. 2510-2521. If you are not the intended recipient, please contact the sender by reply email, delete and destroy all copies of the original message.



**Lift up a child's voice.
A child's life.™**

On Dec 27, 2016, at 3:54 PM, javier ramirez <viveenmi2011@hotmail.com> wrote:

Report

javier ramirez <viveenmi2011@hotmail.com>

Wed 12/21/2016 3:26 PM

To: casaofcc@earthlink.net <casaofcc@earthlink.net>; Kristopher Komarek <Kristophlee@yahoo.com>;

Good Afternoon...

Do we have a report for last month yet?

I would like to exercise my legal parental right as a father and to have one done every week from this point on...

Thank You

Javier