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2 IN THE SUPREME COURT OF THE STATE OF NEVADA

3 In the Matter of: Baby Girl W.
4 A Minor.

Supreme Court No. 28399
District Court No. 9-17-324384-13
Electronically Filed
Aug 07 2018 08:50 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 CLARK COUNTY DEPARTMENT OF
6 FAMILY SERVICES and CLARK
7 COUNTY DISTRICT ATTORNEY'S
8 OFFICE
9 Petitioner

10 vs.

11 EIGHTH JUDICIAL DISTRICT
12 COURT, THE HONORABLE
13 FRANK P. SULLIVAN, DISTRICT
14 COURT
15 JUDGE
16 Respondent,

17 and

18 CLARK COUNTY DEPARTMENT
19 OF FAMILY SERVICES; CLARK
20 COUNTY DISTRICT ATTORNEY'S
21 OFFICE; BABY GIRL W., A MINOR;
22 KENNETH WENDTLAND; AND
23 ASHLEY WENDTLAND,
24 Real Parties of Interest.

25 **RESPONDENT'S APPENDIX**

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HONORABLE JUDGE FRANK P.
SULLIVAN
601 N. Pecos Road
Las Vegas, NV 89101

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1 **CERTIFICATE OF MAILING**

2
3 I hereby certify that service of the **RESPONDENT'S APPENDIX** was made
4 this 6th day of August, 2018, by depositing a copy in the U.S. Mail,
5 postage pre-paid and addressed to the following:

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19
20 Brenda Cordes
21 Clark County District Attorney's Office,
22 Juvenile Division
23
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1 stranger to be supportive of the parent-child relationship and less likely to
2 develop a conflicting emotional bond with the child.”

3 Further, the Supreme Court of Wyoming, in interpreting a federal status
4 conditioning financial assistance on a state's adoption of a familial
5 preference, reasoned that such a “requirement helps avoid a situation where
6 a child becomes overly attached to a foster family which is not biologically
7 related to him. The Minnesota Supreme Court has, in turn, concluded that “a
8 party seeking avoidance of the statutory order of preference [has] the
9 obligation to make an affirmative showing that the first preferred placement
10 would be detrimental to the child.”

11 Ultimately, the Nevada Supreme Court in *Maria L. v. Eighth Judicial Dist. Court*
12 (*In re N.S.*) held that the district court erred in determining that the protected child's
13 best interest would be served by giving the foster parents and the child “an
14 opportunity to become a true family without the interference of the natural family.”

15 Citing the United States Supreme Court case *Smith v. Organization of Foster*
16 *Families*, the Supreme Court recognized that a foster child may develop a meaningful
17 bond with her or her foster parents, especially “where a child has been placed in
18 foster care as an infant, has never known his natural parents, and has remained
19 *continuously for several years* in the case of the same foster parents.” Despite this
20 acknowledgment, the Court *still* concluded that “A foster parent's rights regarding his
21 or her foster child must be distinguished from those of a natural or adoptive parent.”

22 The Court did not question that the protected child bonded with her foster parents
23 with whom she lived continuously since birth. Rather, their concerns lied in the fact
24 that the foster family was given the opportunity to bond with the protected child *to*
25 *the exclusion of her natural family*. Accordingly, the Court held that the
26 grandmother's petition for guardianship should be reinstated, and even if she was not
27 found to be a fit guardian, that her visitation petition be reconsidered.

28 The Nevada Supreme Court case *Clark County Dist. Attorney v. Eighth Judicial*
Dist. Court,¹⁸ citing *Maria L. v. Eighth Judicial Dist. Court (In re N.S.)*, supports

¹⁸123 Nev. 337, 167 P.3d 922 (2007).

1 Amy's position further, holding that the district court erred by failing to apply a
2 familial preference to the child's initial placement arrangement. The Court then noted
3 that *if* the child is placed with a non-relative, but a potential placement with a relative
4 is later timely filed, the Court should then consider placing the child with relatives,
5 if this placement serves the child's best interest.¹⁹

6 Here, the test is not whether the foster family can provide a stable, loving home
7 to Baby Girl, or whether their home is "better." The test is whether the placement
8 satisfies the legislative goals and is in the children's best interests. The fact that Baby
9 Girl has a secure attachment to her foster parents shows she can attach to Vivian and
10 Amy and build healthy ties and attachments.

11 Amy, Vivian, and Baby Girl had a chance to spend time together two hours per
12 day for four days in April and had a wonderful time. The sibling bond was apparent
13 and it was clear that Vivian and Baby Girl were delighted with each other.²⁰ There
14 is a mountain of research showing how important it is to have a biological sibling
15 connection for adopted children, and here we have the opportunity to have two
16 siblings raised together in one home. A Child Welfare Information Gateway article
17 titled "Sibling Issues in Foster Care and Adoption" opines:

18 Sibling relationships are emotionally powerful and critically important not only in
19 childhood but over the course of a lifetime. As children, siblings form a child's first
20 peer group, and they typically spend more time with each other than with anyone
21 else. Children learn social skills, particularly in sharing and managing conflict, from
22 negotiating with brothers and sisters. Sibling relationships can provide a significant
23 source of continuity throughout a child's lifetime and are likely to be the longest
24 relationships that most people experience.²¹

24 ¹⁹*Id.*

25 ²⁰*See Exhibit A to Motion for Vivian Mulkern's Joinder et al*, photographs of Vivian and
26 Baby Girl.

27 ²¹<https://www.childwelfare.gov/pubs/siblingissues/index.cfm>

1 Vivian, Amy and Baby Girl need to begin bonding immediately so they can form
2 healthy attachments and share in each milestone together. Baby girl is less than a year
3 old; much too young to have formed attachments with the foster family that would be
4 against her best interests to be placed with a biological sibling.

5 This Court has the authority to follow the statute and immediately order the
6 siblings to begin the reunification process for several days after the court hearing on
7 June 14, then order Baby Girl to be placed with Amy and Vivian pursuant to the
8 approved ICPC. We ask the Court to exercise its authority and order the placement
9 of Baby Girl with Vivian and Amy at the June 14 hearing.

10
11 **III. CONCLUSION**

12 Amy respectfully requests the Court enter the following orders:

- 13 1. Confirming that Baby Girl and Vivian are relatives within the second degree
14 of consanguinity and are siblings for purposes of this action.
15 2. Immediate placement of Baby Girl with Amy and Vivian, pursuant to an
16 approved ICPC and consistent with Nevada Law and authority supporting the
17 sibling placement.
18 3. Ordering contact between Baby Girl, Amy, and Vivian in the State of Nevada
19 so the parties can begin to build a bond and familiarity immediately following
20 the hearing on June 14 leading up to the placement.

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4. Any further relief the Court deems necessary and appropriate.

DATED this 7 day of June, 2018

WILLYCK LAW GROUP



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1
2
3 **DECLARATION OF LORIEN K. COLE**

4 1. I, Lorien K. Cole am the attorney for Amy C. Mulkern, and declare that I
5 am competent to testify to the facts contained in the proceeding filing.

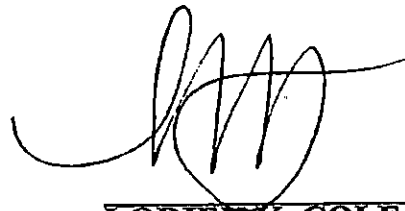
6 2. I have read the preceding filing, and I have personal knowledge of the facts
7 contained therein, unless stated otherwise. Further, the factual averments
8 contained therein are true and correct to the best of my knowledge, except those
9 matters based on information and belief, and as to those matters, I believe them to
10 be true.

11 3. The factual averments contained in the preceding filing are incorporated
12 herein as if set forth in full.

13 4. My client resides outside the State of Nevada, County of Clark, so I sign
14 this *Declaration* on her behalf.

15 **I declare under penalty of perjury under the laws of the State of**
16 **Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true**
17 **and correct.**

18 **EXECUTED** this 7 day of June, 2018.

19
20
21 

22 **LORIEN K. COLE**

23
24
25
26 \\w\server\company\wp16\MULKERN,A\DRAFTS\00241326.WPD/LKC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 7 day of June, 2018, I caused the foregoing document to be served as follows:

☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.

☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.

☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.

☐ Pursuant to NRCP 5(b)(2)(D), by email by duly executed consent for service by electronic means.

☐ By hand delivery with signed Receipt of Copy.

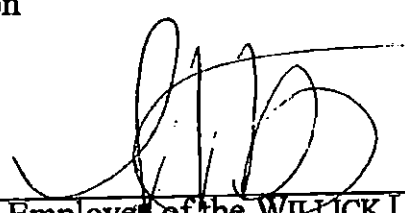
☐ By First Class, Certified U.S. Mail.

To the following at the address, email address, and/or facsimile number indicated below:

The District Attorney Office
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An Employee of the WILICK LAW GROUP

DISTRICT COURT
CLARK COUNTY, NEVADA

Juvenile Protection

COURT MINUTES

June 14, 2018

J-17-324384-P3 White, Amy,
Mother

June 14, 2018 10:30 AM All Pending Matters

HEARD BY: Sullivan, Frank P. COURTROOM: Courtroom 21

COURT CLERK: Hillhouse, Lillian

PARTIES PRESENT:

State of Nevada, Not Present

Tanner L. Sharp, Attorney, Present

Baby Girl White, Juvenile Subject Minor, Not Present

Adrian Rosehill, Attorney, Present

Amy Mulkern, Other, Present

Marshal Shawn Willick, Attorney, Not Present

JOURNAL ENTRIES

(Baby Girl White) Department of Family Services (DFS) represented by Luquisha McCray. Atty. Lorien Cole present on behalf of Petitioner, Amy Mulkern. Atty. Shannon Wilson present on behalf of the foster parents, interested parties to the matter.

COURT reviewed the history of the matter and advised that he has reviewed the filings as to the hearing.

Atty. Cole advised that the Department did not reach out to Ms. Mulkern at the inception of the case. DFS reached out there later and stated there was a presumption that siblings are to be placed together. Atty. Cole requested that the Court make a decision as to placement today.

DA Sharp advised that Ms. Mulkern has no legal or biological ties to the minor as the adoption severs the relationship between the minor and the biological sibling. The Department's policy is based on the best interest of the subject minor. The siblings have no bond to each other. Further, removal of the minor from the foster home where she is bonded to her care providers would be detrimental to her well being.

Atty. Rosehill advised that is in the best interest of the minor to be placed with her sibling. The Department did not identify the foster parents as an adoptive resources until December 2017.

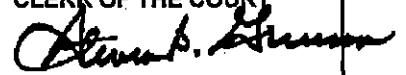
COURT stated findings. COURT FURTHER FINDS, The Department's conduct made Ms. Mulkern a party of special interest; however, once a child is adopted the sibling relationships are severed unless there is a pre adoption sibling contact order. COURT ORDERED, State's Objection is DENIED. The foster parents and Ms. Mulkern are both parties of special interest. Evidentiary hearing STANDS.

INTERIM CONDITIONS:

FUTURE HEARINGS:

Jun 29, 2018 10:00AM Evidentiary Hearing
re: placement -- FULL DAY --
Courtroom 14 Norheim, Jon

Oct 16, 2018 1:30PM Permanency Planning Hearing
Courtroom 14 Norheim, Jon



**DISTRICT COURT
FAMILY DIVISION – JUVENILE
CLARK COUNTY, NEVADA**

In the Matter of Child:

**BABY GIRL WHITE,
DOB: 10/5/2017**

Case No.: J-18-324384-P3
Dept. No.: O

A Minor Under 18 Years of Age.

DECISION

This matter was before the Court, pursuant to the State's Objection to Hearing Master's Recommendations and Motion to Strike Fugitive Documents and Motion for Revocation. The Court, having reviewed all Motions, based thereon and good cause appearing therefor:

STATEMENT OF FACTS

On October 5, 2017, Amy White ("Ms. White") gave birth to Baby Girl White ("Baby") at home. On the morning of October 6, 2017, both Ms. White and Baby were brought to Sunrise Hospital where they both tested positive for opiates, amphetamine, and methamphetamine. Ms. White left Sunrise Hospital at 9:00 A.M. against medical advice, leaving Baby without returning for her.

Baby was removed on October 8, 2017 and placed in Foster Care on October 15, 2017. On December 18, 2017, Baby was placed with her current Foster Placement, who is an adoptive resource. On January 26, 2018, Department

1
2 of Family Services ("DFS") caseworker LuQuisha McCray ("Ms. McCray")
3 contacted Amy Mulkern ("Ms. Mulkern") in Massachusetts to see if she was
4 willing to adopt Baby. Ms. Mulkern had previously adopted the biological sister
5 of Baby, Vivian, in February of 2015. Ms. Mulkern agreed to be a placement
6 option and adoptive resource for Baby.
7

8
9 On January 30, 2018, an Interstate Compact for the Placement of Children
10 ("ICPC") request was submitted to pursue placement with Ms. Mulkern, which
11 was approved on February 6, 2018. Between February 6, 2018 and March 29,
12 2018, Ms. Mulkern's background check, fingerprints, and first and second home
13 study visits were all performed and approved. On March 29, 2018, Ms. Mulkern
14 contacted Ms. McCray to inform her that everything for placement had been
15 completed and approved. Ms. McCray informed Ms. Mulkern that DFS now
16 preferred to keep Baby in her current placement.
17

18
19 On April 3, 2018, a Review Hearing was held where Ms. McCray informed
20 the Court that DFS Upper Management felt it was in Baby's best interest to
21 remain with the current Foster Placement. Ms. McCray also informed the Court
22 that Ms. Mulkern wished to be present telephonically during the Review Hearing,
23 however, the Hearing Master did not wish to "introduce dispute" into the hearing
24 because "adding another person who no one in the room is looking to place with
25 at this point is not productive." The Hearing Master also added that Ms. Mulkern
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1
2 could, "make a Motion to argue that it's in the best interest of this baby to be
3 placed with them, I'm perfectly happy to consider it..." No verbal objection was
4 made to the Hearing Master's statement.
5

6 After the Review Hearing, DFS Supervisor Taryn LaMaison emailed Ms.
7 Mulkern to brief her on the Hearing and informed her of the Hearing Master's
8 comments regarding filing a Motion. On April 13, 2018, Ms. Mulkern filed a
9 Motion for Child Placement with her Biological Sibling and Immediate Visitation
10 Between Siblings and the Proposed Placement. Ms. Mulkern also filed a Motion
11 for Joinder to join her adoptive daughter, Vivian, to the proceedings as Vivian is
12 the biological sister to Baby. On April 24, 2018, a Motion Hearing was held
13 where Ms. Mulkern was granted Visitation with Baby and an Evidentiary Hearing
14 to determine Baby's Best Interest for Placement was set for June 29, 2018.
15
16

17
18 On May 9, 2018, the State filed an Objection to Strike both of Ms.
19 Mulkern's Motions as well as the Evidentiary Hearing. An Objection Hearing
20 was placed on this Court's docket for June 14, 2018.
21

22 CONCLUSIONS OF LAW

23 A. Neither Amy Mulkern nor Vivian Mulkern Are Parties With Standing 24 to File Motions Per Nevada Revised Statute

25 NRS 432B.580 states that "notice and right to be heard...does not cause any
26 person planning to adopt the child; any sibling of the child or any other relative,
27 or any adoptive parent of a sibling of the child or a provider of foster care to
28

1
2 become a party to the hearing.”¹ NRS 432B.580 controls the six-month review
3 for Juvenile Dependency cases.

4
5 During the six-month Review Hearing, the Hearing Master stated that he
6 would review any Motions filed by Amy Mulkern (“Ms. Mulkern”) for
7 placement of Baby Girl White (“Baby”). Ms. Mulkern is the adoptive mother of
8 Vivian Mulkern (“Vivian”), Baby’s biological sister. At the current stage of these
9 proceedings, Ms. Mulkern is a Placement option and Adoptive Resource and was
10 not an original party in this action.² Ms. Mulkern filed a Motion to have
11 placement of Baby. As Ms. Mulkern is was not an original party to the action and
12 is ineligible to become a party to these proceedings under NRS 432B.580(10),
13 any Motions filed by Ms. Mulkern should be stricken.
14

15
16 Vivian Mulkern is also not an original party to these proceedings. Vivian is
17 Ms. Mulkern’s adoptive daughter and Baby’s biological sister. While Vivian is
18 the biological sister of Baby, she is no longer a sibling to Baby as she was
19 adopted by Ms. Mulkern two and a half years prior to the birth of Baby.³ Ms.
20 Mulkern filed a Motion on Vivian’s behalf to Join these proceedings as a
21 necessary party. As Vivian was not an original party to the action and is
22 ineligible to become a party to these proceedings under NRS 432B.580(10), any
23 Motions filed on her behalf should be stricken.
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27
28 ¹ NRS 432B.50(10)

² See *infra* pages 6-8.

³ See *infra* pages 9-10.

1
2 As neither Ms. Mulkern nor Vivian were original parties to the action and as
3 neither of them are ineligible to become parties under NRS 432B.580(10), both
4 the Motion for Child Placement and the Motion for Vivian Mulkern's Joinder
5 will be stricken from the record.
6

7 **B. Vivian Mulkern Is Not A Person with Special Interest Per Nevada**
8 **Revised Statute**

9 NRS 432B.457 states that. "a person has 'special interest in a child' if:

10 a) A person is:

- 11 1) A parent or other relative of the child;
12 2) A foster parent or other provider of substitute care for the child;
13 3) A provider or care for the medical or mental health of the child; or
14 4) A teacher or other school official who works directly with the child"

15 Vivian is the biological sister of Baby. Even if this Court were to consider
16 Vivian a legal sibling to Baby, she still would not qualify as a person with special
17 interest to Baby under NRS 432B.457. As Vivian does not meet any of the
18 requirements of NRS 432B.457, she cannot be considered a person with special
19 interest per statute.
20

21 **C. While Amy Mulkern Does Not Qualify As A Person with Special**
22 **Interest Per NRS 432B.457, She is A De Facto Person with Special**
23 **Interest Based On DFS' Conduct**

24 NRS 432B.457 states that. "a person has 'special interest in a child' if:

25 a) A person is:

- 26 1) A parent or other relative of the child;
27 2) A foster parent or other provider of substitute care for the child;
28 3) A provider or care for the medical or mental health of the child; or
4) A teacher or other school official who works directly with the child"

1
2 Ms. Mulkern is considered a Placement option and Adoptive Resource for
3 Baby. Ms. Mulkern was contacted shortly after Baby was already placed with a
4 foster family. Ms. Mulkern has never been a foster parent or provider for Baby as
5 she had not even met with Baby until April 3, 2018. As Ms. Mulkern does not
6 meet any of the requirements of NRS 432B.457, she cannot be considered a
7 person with special interest per statute.
8
9

10 On January 30, 2018, the DFS Case Manager contacted Ms. Mulkern to
11 inquire if she would be a Placement option and Adoptive Resource for Baby. Ms.
12 Mulkern stated she would and began the process when she was informed that an
13 Interstate Compact for the Placement of Children ("ICPC") request was
14 submitted. On February 6, 2018, Ms. Mulkern was informed that the ICPC
15 request was approved by the Court.
16
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18 On February 22, 2018, a background check on Ms. Mulkern was approved by
19 the Massachusetts Department of Children and Families. On February 26, 2018,
20 Ms. Mulkern submitted to fingerprinting. On February 28, 2018, Ms. Mulkern's
21 initial home study visit was performed. On March 9, 2018, a second home study
22 visit was conducted. On March 29, 2018, Ms. Mulkern's fingerprints came back
23 approved. Ms. Mulkern then contacted DFS to inform her that all home studies,
24 background checks, and fingerprinting had been conducted and placement of
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2 Baby had been approved. During that call, Ms. Mulkern was informed by DFS
3 that she was no longer a preferred placement.

4
5 Ms. Mulkern requested to be heard during the six-month Review Hearing on
6 April 3, 2018. Upon hearing that Ms. Mulkern had requested to participate, the
7 Hearing Master denied Ms. Mulkern the ability to appear telephonically during
8 the Review Hearing. Additionally, the Hearing Master stated that Ms. Mulkern
9 could make a Motion for Placement of Baby.
10

11 Prior to January 26, 2018, Ms. Mulkern was not aware of the birth of Baby.
12 Ms. Mulkern was not contacted by DFS at random; Ms. Mulkern was contacted
13 because DFS felt she would have a "special interest" in Baby as she had adopted
14 Baby's biological sister. After Ms. Mulkern was contacted by DFS, she
15 completed an ICPC investigation, a full background check, finger printing, and
16 multiple home study visits. Ms. Mulkern did everything required of her by DFS
17 to become a Placement option for Baby.
18
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20
21 Despite being contacted by DFS as having a "special interest" in Baby and
22 completing all ICPC requirements to be a Placement for Baby, Ms. Mulkern is
23 now being told she is no longer a Placement option and is ineligible to be heard
24 during the Evidentiary Hearing for Baby's Placement. Ms. Mulkern only began
25 the process to become a Placement option after DFS reached out to her as having
26 a "special interest" in Baby. To silence her voice in a Placement hearing would
27
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1
2 prevent the Court from considering all relevant facts in determining what is in the
3 best interest of Baby.

4
5 Therefore, this Court finds that it is in the best interest of Baby for the Court
6 to determine if she should remain with her current Foster Placement or be placed
7 with her biological sister. While Ms. Mulkern does not meet the statutory
8 requirement for a person with special interest per NRS 432B.457, this Court finds
9 that Ms. Mulkern is a *de facto* person with special interest for Baby. As a person
10 with special interest for Baby, this Court finds that Ms. Mulkern may testify in
11 the Evidentiary Hearing to be held on July 29, 2018.
12
13

14 **D. No Familial Presumption or Preference Exists Because Vivian Is Not a**
15 **Sibling or Relative to Baby**

16 The Nevada Supreme Court has determined that when a child is in the
17 protective custody of the State, placement decisions are governed by NRS
18 432B.550(5).⁴ NRS 432B.550(5) states that, "it must be presumed to be in the
19 best interest of the child to be placed together with the siblings of the child."⁵
20 NRS 432B.550(5) also states that preference for placement must be given to a
21 relative within the fifth degree of consanguinity over placement with a foster
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28 ⁴ Philip R. v. Eighth Judicial Dist. Court, 416 P.3d 242, 246 (Nev. 2018).

⁵ NRS 432B.550(5)(a)

1
2 home.⁶ The Nevada Supreme Court has also held that, “[a]n adoption completely
3 abrogates the legal relationship between a child and his natural parents.”⁷
4

5 Amy White’s (“Ms. White”) Juvenile case is currently in the pre-termination
6 of parental rights phase. As such, NRS 432B.550 controls placement preferences
7 for Baby. Counsel for Ms. Mulkern argues that Vivian has a familial preference
8 for placement that would place her with Ms. Mulkern as the mother of Vivian.
9 For Vivian to have a familial presumption/preference status, she would need to
10 either be a sibling or a relative within the fifth degree of consanguinity per NRS
11 432B.550.
12
13

14 a. Vivian is Not a Sibling to Baby as Vivian’s Adoption Pre-dated Baby’s
15 Birth

16 The Nevada Supreme Court has held that an adoption severs all legal
17 relationship between a child and their natural kindred.⁸ NRS 127.160 is clear in
18 showing that all ties to the natural parent are severed and all rights, including
19 inheritance treat an adopted child “as though the child were the legitimate child
20 of such parents...” Finally, siblings are only allowed post-adoption visitation
21 rights if a similar right had been granted prior to an adoption.⁹
22
23

24 Vivian was adopted by Ms. Mulkern in February of 2015. Baby was born on
25 October 5, 2017, over two and a half years after Vivian’s adoption. At the time of
26

27 ⁶ NRS 432B.550(5)(b)

⁷ Bopp v. Lino, 885 P.2d 559, 563 (Nev. 1994) citing NRS 127.160.

⁸ Bopp 885 P.2d at 563.

⁹ NRS 127.171(1)(a)

1
2 adoption, Vivian had no ties to Ms. White, including any parental or inheritance
3 rights. No rights of visitation or any other sibling rights had been established
4 between Vivian and Baby prior to Vivian's adoption. Vivian had not even met
5 Baby until April 3, 2018, over three years after Vivian's adoption finalized.
6

7 Nevada's sibling presumption laws are designed to keep siblings that are
8 simultaneously in the Child Welfare System, not to allow additional children
9 born to families post adoption to be placed together long after the fact. As Vivian
10 was adopted over two and a half years prior to Baby's birth, Baby is not Vivian's
11 sibling and would not qualify for sibling presumption under NRS 432B.550(a).
12

13
14 b. Vivian is Not A Relative Within the Fifth Degree of Consanguinity
15 Because Vivian is No Longer Considered A Relative to Baby

16 The Nevada Supreme Court has held that an adoption severs all legal
17 relationship between a child and their natural kindred.¹⁰ NRS 127.160 is clear in
18 showing that all ties to the natural parent are severed and all rights, including
19 inheritance treat an adopted child "as though the child were the legitimate child
20 of such parents..."
21

22
23 As discussed *supra*, Baby was born over two and a half years after Vivian had
24 been adopted by Ms. Mulkern. Both the Nevada Supreme Court and NRS
25 127.160 state that all legal ties to a child's natural family are severed once an
26 adoption is finalized. Based on this, Vivian and Baby were never relatives as
27

28

¹⁰ *Bopp*, 885 P.2d at 563.

1
2 Baby had not been born prior to Vivian's adoption. Therefore, Vivian is not a
3 relative within the fifth degree of consanguinity to Baby and would not qualify
4 for familial preference under NRS 432B.550(b).
5

6 **ORDER**

7 Based thereon:

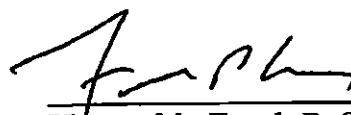
8
9 **IT IS HEREBY ORDERED** that Amy Mulkern's Motion for Child
10 Placement with Her Biological Sibling and Immediate Visitation Between
11 Siblings and the Proposed Placement is hereby **STRICKEN**.
12

13 **IT IS FURTHER ORDERED** that Amy Mulkern's Motion for Vivian
14 Mulkern's Joinder in Amy Mulkern's Motion for Child Placement with Her
15 Biological Sibling and Immediate Visitation Between Siblings and the Proposed
16 Placement is hereby **STRICKEN**.
17


18 **IT IS FURTHER ORDERED** that Amy Mulkern may testify as a *de*
19 *facto* person with special interest at the Evidentiary Hearing for Placement on
20 June 29, 2018.
21

22 **IT IS FURTHER ORDERED** that State's Objection to the Evidentiary
23 Hearing Management Order is hereby **DENIED**.
24

25 DATED this 20th day of June, 2018.

26
27 

28 Honorable Frank P. Sullivan
District Court Judge – Dept. O



SAO
ADRIAN ROSEHILL, ESQ.
Nevada Bar No. 13630C
BARBARA E. BUCKLEY ESQ.
Nevada Bar No. 3918
LEGAL AID CENTER
of SOUTHERN NEVADA, INC.
CHILDREN'S ATTORNEYS PROJECT
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EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION – JUVENILE
CLARK COUNTY, NEVADA

In the Matter of:

BABY GIRL WHITE,
DOB: 10/05/2017

A Minor.

Case No.: J-17-324384-P3
Dept. No.: Dependency I


STIPULATION AND ORDER RE: CONTINUANCE
OF PLACMEENT HEARING AND HEARING DEADLINES

IT IS HEREBY STIPULATED between BABY GIRL WHITE, through her attorney of record, Adrian Rosehill, Esq. of the CHILDREN'S ATTORNEYS PROJECT of the LEGAL AID CENTER of SOUTHERN NEVADA, INC., the Deputy District Attorney; Tanner Sharp, Esq., on behalf of the DEPARTMENT OF FAMILY SERVICES, Lorien K. Cole, Esq., on behalf of AMY MULKERN, and Todd L. Moody, Esq., on behalf of Foster Parents KENNETH SCOTT WENDTLAND and ASHLEY NICOLE WENDTLAND, as follows:


1. That an Evidentiary Hearing regarding placement is set for June 29, 2018 at 10:00 am;
2. That the parties and persons with special interests have agreed to a postponement and continuance of the Evidentiary Hearing; to the dates of: **Wednesday, August 15, 2018, at 10:00 am, Thursday, August 16, 2018, at 1:30 pm, and Friday, August 17, 2018, at 10:00 am.** In the event the foregoing dates and times are no longer

available, the Evidentiary Hearing shall commence on _____, 2018 at _____ m;

3. All Pretrial Memorandums shall be filed on or before **August 8, 2015**;
4. Any expert witness to be called to present testimony and evidence at the Evidentiary Hearing shall be identified on or before **July 9, 2018**;
5. Any rebuttal expert witness to be called to present testimony and evidence at the Evidentiary Hearing shall be identified on or before **July 16, 2018**;
6. Expert reports written, prepared and signed by the expert detailing their opinion and the basis for their opinion shall be delivered to all counsel on or before **July 30, 2018**;
7. All dispositive motions shall be filed and served on or before **July 30, 2018**;
8. All non-expert witnesses to be called at the Evidentiary Hearing, including for impeachment or rebuttal purposes shall be identified, including their name, address and telephone number, along with a brief, detailed and specific description of the substance of their testimony, on or before **July 30, 2018**;
9. All exhibits that any party or person intends to refer to in any manner, or introduce into evidence, at the Evidentiary Hearing shall be identified and copies produced to all counsel on or before **August 1, 2018**;
10. Any and all exhibits, one (1) original set, one (1) copy for the Court and one (1) courtesy copy for use by the witness, tabbed and numbered, and placed in binders, shall be delivered to the Court's chambers on or before **August 13, 2018**;


ADRIAN W. ROSEHILL, ESQ.
Counsel for Subject Minor
BABY GIRL WHITE


Date


TANNER SHARP, ESQ.
Deputy District Attorney
Counsel for the DEPARTMENT
OF FAMILY SERVICES


Date

TODD L. MOODY, ESQ.
Counsel for Foster Parents
And Persons of Special Interest
KENNETH SCOTT WENDTLAND
and ASHLEY NICOLE WENDTLAND

Date

LORIEN K. COLE, ESQ.
Counsel for Person of Special
Interest AMY MULKERN

Date

APPROVED AND SO ORDERED

DATED this _____ day of June, 2018.

HEARING MASTER

The above Order of the Hearing Master is hereby approved and such are made an Order
of the Eighth Judicial District Court of Nevada Family Division.

DATED this _____ day of June, 2018.


DISTRICT JUDGE
JUVENILE DIVISION

Submitted by:

LEGAL AID CENTER of SOUTHERN NEVADA, INC.
CHILDREN'S ATTORNEYS PROJECT

By:

Adrian Rosehill
ADRIAN ROSEHILL, ESQ.
Nevada Bar No. 13630
BARBARA E. BUCKLEY ESQ.
Nevada Bar No. 3918
725 East Charleston Boulevard
Las Vegas, Nevada 89104
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TOND L. MOODY, ESQ.
Counsel for Foster Parents
KENNETH SCOTT WENDTLAND
and ASHLEY NICOLE WENDTLAND

6/25/18

Date

LORIEN K. COLE, ESQ.
Counsel for AMY MULKERN

Date

APPROVED AND SO ORDERED

DATED this _____ day of June, 2018.

HEARING MASTER

The above Order of the Hearing Master is hereby approved and such are made an Order
of the Eighth Judicial District Court of Nevada Family Division.

DATED this _____ day of June, 2018.

DISTRICT JUDGE
JUVENILE DIVISION

Submitted by:

**LEGAL AID CENTER of SOUTHERN NEVADA, INC.
CHILDREN'S ATTORNEYS PROJECT**

By:

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TODD L. MOODY, ESQ.
Counsel for Foster Parents
KENNETH SCOTT WENDTLAND
and ASHLEY NICOLE WENDTLAND

Date


LORIEN K. COLE, ESQ.
Counsel for AMY MULKERN

Date

6/28/18

APPROVED AND SO ORDERED

DATED this 26 day of June, 2018.


HEARING MASTER

The above Order of the Hearing Master is hereby approved and such are made an Order
of the Eighth Judicial District Court of Nevada Family Division.

DATED this 26 day of June, 2018.


DISTRICT JUDGE
JUVENILE DIVISION

Submitted by:

**LEGAL AID CENTER of SOUTHERN NEVADA, INC.
CHILDREN'S ATTORNEYS PROJECT**

By:

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