

IN THE SUPREME COURT OF THE STATE OF NEVADA

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AMY MULKERN and VIVIAN MULKERN,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND
THE HONORABLE FRANK P. SULLIVAN,
DISTRICT JUDGE,

Respondents,

and

CLARK COUNTY DEPARTMENT OF
FAMILY SERVICES; AND CLARK
COUNTY DISTRICT ATTORNEY'S
OFFICE,

Real Parties in Interest,

and

BABY GIRL WHITE, A MINOR,

Real Party in Interest,

and

S.C. No.:

D.C. Case No.:

Electronically Filed
Aug 21 2018 02:54 p.m.
76399
Elizabeth A. Brown
Clerk of Supreme Court
J-17-324384-P3

KENNETH WENDTLAND AND ASHLEY
WENDTLAND,

Real Parties in Interest.

**MOTION TO PUBLISH AS AN OPINION THE ORDER GRANTING IN
PART AND DENYING IN PART PETITION FOR WRIT OF MANDAMUS
OR PROHIBITION FILED AUGUST 16, 2018**

On August 16, 2018, this Court issued an *Order Granting in Part and Denying in Part Petition for Writ of Mandamus or Prohibition*, directing the lower court to apply the rebuttable sibling presumption to a biological post-adoption sibling under NRS 432B.550(5) in determining placement of a child removed due to abuse and neglect.

Under NRAP 36(f), this Court has indicated that it will issue a published opinion for various reasons, including that the case is an issue of first impression, clarifies existing rules of law, or involves an issue of public importance that has application beyond the parties.

The question of whether post-adoption biological siblings should have a

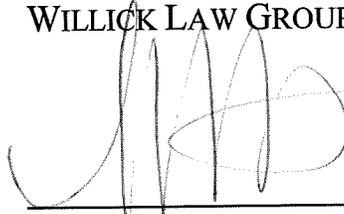
rebuttable presumption of being placed together under NRS 432B.550(5) is an issue of first impression in this court. That is why this Court's decision cited to a California case (which also provides useful guidance for the treatment of the definitions of biological siblings for the placement of abused and neglected children).

We believe that the publication of the decision set out in the order would be useful to lawyers, judges, and DFS case workers who are attempting to comply with the legislature's mandates under NRS Chapter 432B for the placement of children in those proceedings. As this case illustrated, there is widely varying levels of interpretation of this statute across the State of Nevada, and the clarification that was provided in this Court's *Order* would provide useful guidance and greater uniformity to placement proceedings.

Accordingly, we respectfully request the Court publish as an *Opinion* its *Order Granting in Part and Denying in Part Petition for Writ of Mandamus or Prohibition*.

DATED this 21 day of August, 2018.

Respectfully Submitted By:
WILLICK LAW GROUP

A handwritten signature in black ink, appearing to read 'M. Willick', is written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the WILICK LAW GROUP and that on 21 day of August, 2018, I served a true and correct copy of the *Motion to Publish* electronically with the Clerk of the Nevada Supreme Court, to the following:

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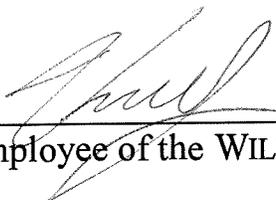
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