

**IN THE SUPREME COURT IN THE STATE OF NEVADA**

IN THE MATTER OF THE  
GUARDIANS OF B.A.A.R.,  
PROTECTED MINOR.

LUCIA AGUILAR AGUILAR,  
Appellant,

vs.

MARIA MARTA RIVAS; AND  
JESUS VIDAL AGUILAR,  
Respondents.

Case No.: 78626  
District Court No.: G051011

Electronically Filed  
Oct 03 2019 06:56 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

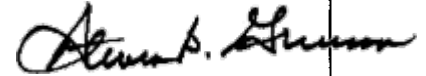
**APPELLANT'S APPENDIX**

ALISSA A. COOLEY, ESQ.  
Nevada Bar #013467  
Law Offices of Martin Hart, LLC  
526 South 7th Street  
Las Vegas, NV 89101  
(702) 380-4278  
Attorney for Appellant

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PAG

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

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526 South 7th Street

Las Vegas, NV 89101

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associate@martinhartlaw.com

*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

Case No: G-19-051011-M

Dept. No: Department M

**PETITION FOR APPOINTMENT OF GUARDIAN**  
**(Special Immigrant Juvenile Findings to be Requested)**

COMES NOW, Petitioner and Proposed Guardian, LUCIA AGUILAR AGUILAR, by and through her attorney, ALISSA A. COOLEY, ESQ., of the LAW OFFICES OF MARTIN HART, LLC, and respectfully petitions this Court to appoint LUCIA AGUILAR AGUILAR ("Lucia") as Guardian of the person of proposed protected minor BRYAN ARIEL AGUILAR RIVAS ("Bryan"), in accordance with Chapter 159 of the Nevada Revised Statutes. In support of said Petition, Lucia states:

1. That Bryan's full legal name is Bryan Ariel Aguilar Rivas. Bryan currently resides at 8157 Chambersberg Street, Las Vegas, NV 89147. Bryan's date of birth is July 31, 2001, and he will attain the age of eighteen on July 31, 2019 and age twenty-one on July 31,

1 2022. A true and correct copy of his school identification card is attached to the Confidential  
2 Information Sheet.

3 2. That Bryan has resided in Las Vegas, Nevada since August 9, 2018. Prior to  
4 living in Nevada, he was detained at a foster care facility in McAllen, Texas after entering the  
5 U.S. as an unaccompanied child. He only resided in Texas for two or less months before  
6 traveling to Las Vegas. Thus, Texas is not considered his home state. *See* Tex. Fam. Code §  
7 152.201. Because no court of any other state has jurisdiction over Bryan, Nevada should be  
8 considered his home state for purposes of this petition. NRS § 125A.305(1)(d).  
9

10 3. That the names and last known addresses of the relatives of the proposed ward  
11 within the second degree of consanguinity are attached hereto as Exhibit 1.  
12

13 4. That Lucia's full legal name is Lucia Marleny Aguilar Aguilar. Lucia currently  
14 resides at 8157 Chambersberg Street, Las Vegas, NV 89147; her mailing address is the same.  
15 Lucia's date of birth is June 30, 1969. A true and correct copy of her identification is attached to  
16 the Confidential Information Sheet lodged with the Court concurrently herewith.  
17

18 5. That Bryan's father, Jesus Vidal Aguilar, resides at 3311 Fico Avenue, Las Vegas,  
19 NV 89141.

20 6. That Bryan's mother, Maria Marta Rivas Mendez, resides in Cabañas, El  
21 Salvador.  
22

23 7. That the proposed guardian, Lucia Aguilar Aguilar, is Bryan's paternal aunt.

24 8. That the reasons for the proposed guardianship are as follows: Bryan fled El  
25 Salvador by himself on June 9, 2018. While his father resides in Las Vegas, immigration  
26 officials released Bryan into the custody and care of his paternal aunt, Lucia. Lucia is a U.S.  
27 citizen while his father is undocumented. Lucia signed a sponsor agreement with the Office of  
28

1 Refugee Resettlement, wherein she agreed to care for Bryan and ensure he attends all court  
2 proceedings. Further, his father does not have space for Bryan to live; he would have to sleep in  
3 the living room instead of in a bedroom. Lucia has assumed responsibility for and care of Bryan  
4 since his arrival to Las Vegas in August 2018. Bryan is in the tenth grade at Global Community  
5 High School, does not have employment, and relies on his family for food, clothing, shelter, and  
6 other necessities. Lucia needs a legal guardianship to ensure Bryan's needs, especially those  
7 related to education and healthcare, are met until he is able to provide for and take care of  
8 himself.  
9

10 9. That there is no custody order pertaining to Bryan.  
11

12 10. That Lucia is the paternal aunt of the proposed protected minor and is competent  
13 and capable of acting as the guardian of the person of the proposed ward. Lucia hereby consents  
14 to act in this capacity.

15 11. Lucia expects Bryan will need the guardianship to continue until he turns twenty-  
16 one-years-old. Bryan is new to the country, is in high school, and does not have a job or other  
17 means to support himself. Accordingly, Lucia requests the guardianship continue until Bryan's  
18 twenty-first birthday on July 31, 2022, pursuant to Nev. Rev. Stat. §§ 159.191 and 159.1905(2).  
19

20 12. That Lucia is not a private professional guardian and is not currently receiving  
21 compensation for services as a guardian.  
22

23 13. That Lucia has never been convicted of a felony; nor has she been judicially  
24 determined to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other  
25 person.

26 14. That Lucia has not been suspended for misconduct or disbarred from the practice  
27 of law, the practice of accounting or any other profession which involves the management or sale  
28

1 of money, investments, securities or real property and requires licensure in Nevada or any other  
2 state.

3 15. That Bryan has no property and/or income to be considered by this Court.

4 16. That Lucia does not request any specific powers pertaining to the property of  
5 Bryan, as Bryan has no property.  
6

7 17. That Bryan is not subject to any pending criminal or civil litigation, however,  
8 Bryan does have an open removal case before the Las Vegas Immigration Court. The  
9 guardianship is not sought for the purpose of initiating litigation. Bryan has not executed a  
10 durable power of attorney for health care, a durable power of attorney for financial matters, or a  
11 written nomination for guardian.  
12

13 18. That a guardianship pursuant to NRS Chapter 159 is in the best interest of Bryan  
14 because he has no other family member who is able to support him until he is able to care for  
15 himself. Lucia is a U.S. citizen and has taken responsibility of and care for Bryan since his  
16 release from a foster care facility in August 2018. His father, while in Las Vegas, is not able to  
17 care for him as thoroughly and stably as Lucia. Bryan requires this Court to appoint Lucia as his  
18 legal guardian so that she can continue to ensure his educational, medical, and legal needs met  
19 without interruption until he is able to care for himself.  
20

21 19. Petitioner respectfully requests that bond in this matter be waived.  
22

23 //  
24

25 //  
26

26 //  
27  
28

1 WHEREFORE, Petitioner prays that this general guardianship be granted without  
2 issuance of a citation and for such other and further relief as the court may deem just and proper.

3  
4 DATED this 9<sup>th</sup> day of January, 2019

LAW OFFICES OF MARTIN HART, LLC



6 ALISSA A. COOLEY, ESQ.

7 Nevada Bar No. 13467

8 526 South 7th Street

9 Las Vegas, NV 89101



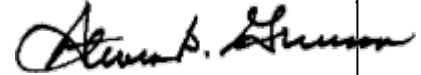
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I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

LUCIA AGUILAR AGUILAR  
LUCIA AGUILAR AGUILAR, Petitioner

**EXHIBIT 1**

<b>Relative's Name</b>	<b>Relationship to Bryan Ariel Aguilar Rivas</b>	<b>Address of Relative</b>
Jesus Vidal Aguilar	Father	3311 Fico Avenue Las Vegas, NV 89141
Maria Marta Rivas	Mother	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Roberto S Aguilar	Paternal Grandfather	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Rosaria Aguilar	Paternal Grandmother	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Rogelio Rivas	Maternal Grandfather	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Santos Luz Mendez de Rivas	Maternal Grandmother	Deceased
Abigail Aguilar Rivas	Sibling	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Mayrin L Aguilar Rivas	Sibling	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador



CONS

ALISSA A. COOLEY, ESQ.

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Facsimile: (702) 384-6006

associate@martinhartlaw.com

Attorney for Lucia Aguilar Aguilar

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

Case No: G-19-051011-M

Dept. No: Department M

**CONSENT AND WAIVER**

I, Bryan Ariel Aguilar Rivas, hereby declare:

1. That I am the proposed protected minor who is the subject of the above-captioned guardianship matter;

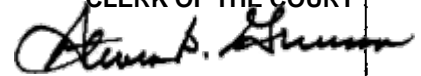
2. That is it my desire that my aunt, LUCIA AGUILAR AGUILAR, be appointed as my legal guardian;

3. That I fully and freely consent to having my aunt, LUCIA AGUILAR AGUILAR, appointed as my legal Guardian until I turn twenty-one on July 31, 2022.

4. That I hereby waive service of the Citation to Appear and Show Cause regarding the Petition for Appointment of Guardian submitted by proposed guardian LUCIA MARLENY AGUILAR in this case.

DATED this 9 day of January, 2019.

  
Bryan Ariel Aguilar Rivas



CONS

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Nevada Bar No. 13467

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Las Vegas, NV 89101

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*Attorney for Lucia Marleny Aguilar*

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: July 31, 2001

A minor.

Case No: G-19-051011-M

Dept. No: Department M

**CONSENT AND WAIVER**

I, Mayrin Aguilar, hereby declare:

1. That I am the sister of the proposed protected minor, BRYAN ARIEL AGUILAR RIVAS, who is the subject of the above-captioned guardianship matter. I am fifteen-years-old;

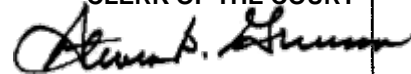
2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal guardian of my brother, BRYAN ARIEL AGUILAR RIVAS;

3. That I fully and freely consent to having LUCIA MARLENY AGUILAR appointed as legal Guardian of BRYAN ARIEL AGUILAR RIVAS; and,

4. That I hereby waive service of the Citation to Appear and Show Cause regarding the Petition for Appointment of Guardian submitted by proposed guardian LUCIA MARLENY AGUILAR in this case.

DATED this 28 day of December, 2018

  
Mayrin Aguilar



1 **CONS**

2 **ALISSA A. COOLEY, ESQ.**

3 Nevada Bar No. 13467

4 **LAW OFFICES OF MARTIN HART, LLC**

5 526 South 7th Street

6 Las Vegas, NV 89101

7 Telephone: (702) 380-4278

8 Facsimile: (702) 384-6006

9 associate@martinhartlaw.com

10 *Attorney for Lucia Marleny Aguilar*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 In the matter of the Guardianship of,  
14 the person:

15 Bryan Ariel Aguilar Rivas

16 DOB: July 31, 2001

17 A minor.

Case No: G-19-051011-M

Dept. No: Department M

**CONSENT AND WAIVER**

18 I, Abigail Aguilar, hereby declare:

19 1. That I am the sister of the proposed protected minor, BRYAN ARIEL AGUILAR  
20 RIVAS, who is the subject of the above-captioned guardianship matter. I am twenty-years-old;

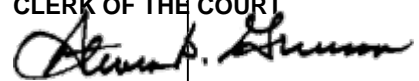
21 2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal  
22 guardian of my brother, BRYAN ARIEL AGUILAR RIVAS;

23 3. That I fully and freely consent to having LUCIA MARLENY AGUILAR  
24 appointed as legal Guardian of BRYAN ARIEL AGUILAR RIVAS; and,

25 4. That I hereby waive service of the Citation to Appear and Show Cause regarding  
26 the Petition for Appointment of Guardian submitted by proposed guardian LUCIA MARLENY  
27 AGUILAR in this case.

28 DATED this 28 day of December, 2018

  
Abigail Aguilar



1 **CONS**

2 **ALISSA A. COOLEY, ESQ.**

3 Nevada Bar No. 13467

4 **LAW OFFICES OF MARTIN HART, LLC**

5 526 South 7th Street

6 Las Vegas, NV 89101

7 Telephone: (702) 380-4278

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9 associate@martinhartlaw.com

10 *Attorney for Lucia Marleny Aguilar*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 In the matter of the Guardianship of,  
14 the person:

15 Bryan Ariel Aguilar Rivas

16 DOB: July 31, 2001

17 A minor.

Case No: G-19-051011-M

Dept. No: Department M

**CONSENT AND WAIVER**

18 I, Rosario Aguilar, hereby declare:

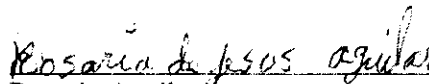
19 1. That I am the paternal grandmother of the proposed protected minor, BRYAN  
20 ARIEL AGUILAR RIVAS, who is the subject of the above-captioned guardianship matter;

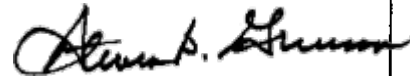
21 2. That it is my desire that LUCIA MARLENY AGUILAR be appointed as legal  
22 guardian of my grandson, BRYAN ARIEL AGUILAR RIVAS;

23 3. That I fully and freely consent to having LUCIA MARLENY AGUILAR  
24 appointed as legal Guardian of BRYAN ARIEL AGUILAR RIVAS; and,

25 4. That I hereby waive service of the Citation to Appear and Show Cause regarding  
26 the Petition for Appointment of Guardian submitted by proposed guardian LUCIA MARLENY  
27 AGUILAR in this case.

28 DATED this 28 day of December, 2018

  
Rosario Aguilar



CONS

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

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526 South 7th Street

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associate@martinhartlaw.com

Attorney for Lucia Marleny Aguilar

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: July 31, 2001

A minor.

Case No: G-19-051011-M

Dept. No: Department M

CONSENT AND WAIVER

I, Roberto S. Aguilar, hereby declare:

1. That I am the paternal grandfather of the proposed protected minor, BRYAN ARIEL AGUILAR RIVAS, who is the subject of the above-captioned guardianship matter;
2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal guardian of my grandson, BRYAN ARIEL AGUILAR RIVAS;
3. That I fully and freely consent to having LUCIA MARLENY AGUILAR appointed as legal Guardian of BRYAN ARIEL AGUILAR RIVAS; and,
4. That I hereby waive service of the Citation to Appear and Show Cause regarding the Petition for Appointment of Guardian submitted by proposed guardian LUCIA MARLENY AGUILAR in this case.

DATED this 28 day of December, 2018

  
Roberto S. Aguilar

*Steven D. Grierson*

1 **CONS**

2 **ALISSA A. COOLEY, ESQ.**

3 Nevada Bar No. 13467

4 **LAW OFFICES OF MARTIN HART, LLC**

5 526 South 7th Street

6 Las Vegas, NV 89101

7 Telephone: (702) 380-4278

8 Facsimile: (702) 384-6006

9 associate@martinhartlaw.com

10 *Attorney for Lucia Marleny Aguilar*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 In the matter of the Guardianship of,  
14 the person:

15 Bryan Ariel Aguilar Rivas

16 DOB: July 31, 2001

17 A minor.

Case No: G-19-051011-M

Dept. No: Department M

**CONSENT AND WAIVER**

18 I, Rogelio Rivas, hereby declare:

19 1. That I am the maternal grandfather of the proposed protected minor, BRYAN  
20 ARIEL AGUILAR RIVAS, who is the subject of the above-captioned guardianship matter;

21 2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal  
22 guardian of my grandson, BRYAN ARIEL AGUILAR RIVAS;

23 3. That I fully and freely consent to having LUCIA MARLENY AGUILAR  
24 appointed as legal Guardian of BRYAN ARIEL AGUILAR RIVAS; and.

25 4. That I hereby waive service of the Citation to Appear and Show Cause regarding  
26 the Petition for Appointment of Guardian submitted by proposed guardian LUCIA MARLENY  
27 AGUILAR in this case.

28 DATED this 28 day of December, 2018

R R E  
Rogelio Rivas



*Heather L. Martin*  
CLERK OF THE COURT

**CITA**

**ALISSA A. COOLEY, ESQ.**

Nevada Bar No. 13467

**LAW OFFICES OF MARTIN HART, LLC**

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associate@martinhartlaw.com

*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

Case No: G-19-051011-M  
Dept. No: M

**CITATION**

**THE STATE OF NEVADA SENDS GREETINGS:**

**TO: THE PEOPLE OF THE STATE OF NEVADA**

**TO: ANY PERSON, AND/OR PERSONS HAVING CARE, CUSTODY AND CONTROL  
OF PROPOSED WARD, BRYAN ARIEL AGUILAR RIVAS**

BY ORDER OF THIS COURT, YOU ARE HEREBY CITED and required to appear  
before the Judge of this Court in the County of Clark, State of Nevada, in Department \_\_, of the  
above-entitled Court, then and there to show cause, if you have, why LUCIA AGUILAR  
AGUILAR's Petition for the Appointment of Guardian should not be approved.

YOU ARE NOTIFIED that the Guardian will have the management and control of the  
proposed protected minor's person. You have the right to appear at the hearing, the right to

1 oppose this Petition at the hearing, and the right to be represented by an attorney, who may be  
2 appointed by the Court if you are unable to retain one.

3 THIS CITATION is based upon the verified Petition for Appointment of Guardian filed  
4 by LUCIA AGUILAR AGUILAR.

5 NOTE: The proposed protected minor and proposed Guardian must appear at the  
6 scheduled hearing; all other interested parties do not need to appear unless they wish to oppose  
7 the guardianship and enter an objection.  
8

9 DATE AND TIME OF COURT APPEARANCE:

10  
11 The 30<sup>th</sup> day of January 2019, at the hour of 10:00 AM  
12 in Department M of the District Court  
13 at 200 LEWIS AVE. LAS VEGAS, NV 89101  
14 in Courtroom 10 B.

15 DATED this 10 day of January, 2019.

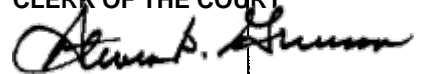
16 CLERK OF COURT

17  
18 BY: 

19 Deputy Court Clerk



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**CERT**

**ALISSA A. COOLEY, ESQ.**

Nevada Bar No. 13467

**LAW OFFICES OF MARTIN HART, LLC**

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Case No: G-19-051011-M

Dept. No: M

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

**CERTIFICATE OF MAILING**

I hereby certify that on the 11th day of January, 2019, I mailed a true and correct copy of  
the PETITION FOR THE APPOINTMENT OF GUARDIAN and CITATION via international  
registered mail to the following addresses:

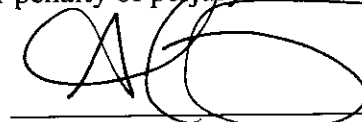
Jesus Vidal Aguilar  
3311 Fico Avenue  
Las Vegas, NV 89141

Maria Marta Rivas  
Caserio Los Rivas  
Canton Llano Largo  
Jutiapa, Cabañas  
El Salvador

//

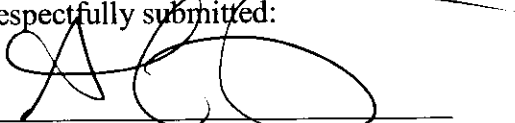
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1 Per Nev. Rev. Stat. § 53.045, I declare under penalty of perjury that the foregoing is true  
2 and correct.



Employee, Law Offices of Martin Hart, LLC

3 Respectfully submitted:



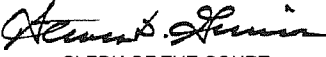
4 By:

5 **ALISSA A. COOLEY, ESQ.**

6 Nevada Bar No. 13467

7 526 South 7th Street

8 Las Vegas, NV 89101

  
CLERK OF THE COURT

PAG

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas  
DOB: 07/31/2001  
A protected minor.

Case No:

Dept. No:

**G-19-051011-M**

**Dept: M**

**PETITION FOR APPOINTMENT OF GUARDIAN  
(Special Immigrant Juvenile Findings to be Requested)**

COMES NOW, Petitioner and Proposed Guardian, LUCIA AGUILAR AGUILAR, by and through her attorney, ALISSA A. COOLEY, ESQ., of the LAW OFFICES OF MARTIN HART, LLC, and respectfully petitions this Court to appoint LUCIA AGUILAR AGUILAR ("Lucia") as Guardian of the person of proposed protected minor BRYAN ARIEL AGUILAR RIVAS ("Bryan"), in accordance with Chapter 159 of the Nevada Revised Statutes. In support of said Petition, Lucia states:

1. That Bryan's full legal name is Bryan Ariel Aguilar Rivas. Bryan currently resides at 8157 Chambersberg Street, Las Vegas, NV 89147. Bryan's date of birth is July 31, 2001, and he will attain the age of eighteen on July 31, 2019 and age twenty-one on July 31,

2022. A true and correct copy of his school identification card is attached to the Confidential Information Sheet.

2. That Bryan has resided in Las Vegas, Nevada since August 9, 2018.

3. That the names and last known addresses of the relatives of the proposed ward within the second degree of consanguinity are attached hereto as Exhibit 1.

4. That Lucia's full legal name is Lucia Marleny Aguilar Aguilar. Lucia currently resides at 8157 Chambersberg Street, Las Vegas, NV 89147; her mailing address is the same. Lucia's date of birth is June 30, 1969. A true and correct copy of her identification is attached to the Confidential Information Sheet lodged with the Court concurrently herewith.

5. That Bryan's father, Jesus Vidal Aguilar, resides at 3311 Fico Avenue, Las Vegas, NV 89141.

6. That Bryan's mother, Maria Marta Rivas Mendez, resides in Cabañas, El Salvador.

7. That the proposed guardian, Lucia Aguilar Aguilar, is Bryan's paternal aunt.

8. That the reasons for the proposed guardianship are as follows: Bryan fled El Salvador by himself on June 9, 2018. While his father resides in Las Vegas, immigration officials released Bryan into the custody and care of his paternal aunt, Lucia. Lucia is a U.S. citizen while his father is undocumented. Lucia signed a sponsor agreement with the Office of Refugee Resettlement, wherein she agreed to care for Bryan and ensure he attends all court proceedings. Further, his father does not have space for Bryan to live; he would have to sleep in the living room instead of in a bedroom. Lucia has assumed responsibility for and care of Bryan since his arrival to Las Vegas in August 2018. Bryan is in the tenth grade at Global Community High School, does not have employment, and relies on his family for food, clothing, shelter, and

1 other necessities. Lucia needs a legal guardianship to ensure Bryan's needs, especially those  
2 related to education and healthcare, are met until he is able to provide for and take care of  
3 himself.

4 9. That there is no custody order pertaining to Bryan.

5 10. That Lucia is the paternal aunt of the proposed protected minor and is competent  
6 and capable of acting as the guardian of the person of the proposed ward. Lucia hereby consents  
7 to act in this capacity.  
8

9 11. Lucia expects Bryan will need the guardianship to continue until he turns twenty-  
10 one-years-old. Bryan is new to the country, is in high school, and does not have a job or other  
11 means to support himself. Accordingly, Lucia requests the guardianship continue until Bryan's  
12 twenty-first birthday on July 31, 2022, pursuant to Nev. Rev. Stat. §§ 159.191 and 159.1905(2).  
13

14 12. That Lucia is not a private professional guardian and is not currently receiving  
15 compensation for services as a guardian.

16 13. That Lucia has never been convicted of a felony; nor has she been judicially  
17 determined to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other  
18 person.  
19

20 14. That Lucia has not been suspended for misconduct or disbarred from the practice  
21 of law, the practice of accounting or any other profession which involves the management or sale  
22 of money, investments, securities or real property and requires licensure in Nevada or any other  
23 state.  
24

25 15. That Bryan has no property and/or income to be considered by this Court.

26 16. That Lucia does not request any specific powers pertaining to the property of  
27 Bryan, as Bryan has no property.  
28

17. That Bryan is not subject to any pending criminal or civil litigation, however, Bryan does have an open removal case before the Las Vegas Immigration Court. The guardianship is not sought for the purpose of initiating litigation. Bryan has not executed a durable power of attorney for health care, a durable power of attorney for financial matters, or a written nomination for guardian.

18. That a guardianship pursuant to NRS Chapter 159 is in the best interest of Bryan because he has no other family member who is able to support him until he is able to care for himself. Lucia is a U.S. citizen and has taken responsibility of and care for Bryan since his release from a foster care facility in August 2018. His father, while in Las Vegas, is not able to care for him as thoroughly and stably as Lucia. Bryan requires this Court to appoint Lucia as his legal guardian so that she can continue to ensure his educational, medical, and legal needs met without interruption until he is able to care for himself.

19. Petitioner respectfully requests that bond in this matter be waived.

WHEREFORE, Petitioner prays that this general guardianship be granted without issuance of a citation and for such other and further relief as the court may deem just and proper.

DATED this 30<sup>th</sup> day of January, 2019

~~LAW OFFICES OF MARTIN HART, LLC~~



ALISSA A. COOLEY, ESQ.  
Nevada Bar No. 13467  
526 South 7th Street  
Las Vegas, NV 89101



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

Lucia Aguilar  
LUCIA AGUILARAGUILAR, Petitioner

**EXHIBIT 1**

<b>Relative's Name</b>	<b>Relationship to Bryan Ariel Aguilar Rivas</b>	<b>Address of Relative</b>
Jesus Vidal Aguilar	Father	3311 Fico Avenue Las Vegas, NV 89141
Maria Marta Rivas	Mother	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Roberto S Aguilar	Paternal Grandfather	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Rosaria Aguilar	Paternal Grandmother	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Rogelio Rivas	Maternal Grandfather	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Santos Luz Mendez de Rivas	Maternal Grandmother	Deceased
Abigail Aguilar Rivas	Sibling	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador
Mayrin L Aguilar Rivas	Sibling	Caserio Los Rivas Canton Llano Largo Jutiapa, Cabañas El Salvador

  
CLERK OF THE COURT

CITA

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

LAW OFFICES OF MARTIN HART, LLC

526 South 7th Street

Las Vegas, NV 89101

Telephone: (702) 380-4278

Facsimile: (702) 384-6006

associate@martinhartlaw.com

*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas  
DOB: 07/31/2001  
A protected minor.

Case No:  
Dept. No:

**G-19-051011-M  
Dept: M**

**CITATION**

**THE STATE OF NEVADA SENDS GREETINGS:**

TO: THE PEOPLE OF THE STATE OF NEVADA

TO: ANY PERSON, AND/OR PERSONS HAVING CARE, CUSTODY AND CONTROL  
OF PROPOSED WARD, BRYAN ARIEL AGUILAR RIVAS

BY ORDER OF THIS COURT, YOU ARE HEREBY CITED and required to appear  
before the Judge of this Court in the County of Clark, State of Nevada, in Department \_\_, of the  
above-entitled Court, then and there to show cause, if you have, why LUCIA AGUILAR  
AGUILAR's Petition for the Appointment of Guardian should not be approved.

YOU ARE NOTIFIED that the Guardian will have the management and control of the  
proposed protected minor's person. You have the right to appear at the hearing, the right to

1 oppose this Petition at the hearing, and the right to be represented by an attorney, who may be  
2 appointed by the Court if you are unable to retain one.

3 THIS CITATION is based upon the verified Petition for Appointment of Guardian filed  
4 by LUCIA AGUILAR AGUILAR.

5 NOTE: The proposed protected minor and proposed Guardian must appear at the  
6 scheduled hearing; all other interested parties do not need to appear unless they wish to oppose  
7 the guardianship and enter an objection.  
8

9 **DATE AND TIME OF COURT APPEARANCE:**

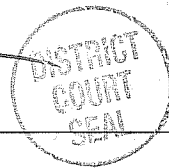
10  
11 The 27<sup>th</sup> day of March, 2019, at the hour of 9:00am  
12 in Department M of the RJC  
13 \_\_\_\_\_.

14 DATED this 27<sup>th</sup> day of February, 2019.

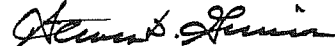
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16 CLERK OF COURT

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18 BY: \_\_\_\_\_

19 Deputy Court Clerk



Electronically Filed  
02/27/2019

  
CLERK OF THE COURT

MOT

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

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526 South 7<sup>th</sup> Street

Las Vegas, NV 89101

Telephone: (702) 380-4278

Facsimile: (702) 384-6006

associate@martinhartlaw.com

*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas  
DOB: 07/31/2001  
A protected minor.


Case No: G-19-051011-M  
Dept. No: M

COMES NOW, Plaintiff LUCIA AGUILAR AGUILAR, by and through her attorney,  
ALISSA A. COOLEY, ESQ. of the LAW OFFICES OF MARTIN HART, LLC, and respectfully  
moves this Honorable Court for an order making necessary factual findings to enable the subject  
minor in the above-captioned matter, BRYAN ARIEL AGUILAR RIVAS, to petition to the  
United States Citizenship and Immigration Services for Special Immigrant Juvenile Status  
pursuant to 8 U.S.C. § 1101(a)(27)(J). This Motion is based upon the papers and pleadings on  
file herein, the points and authorities attached hereto, and any arguments made by counsel at the  
time of the hearing.

DATED this 26<sup>th</sup> day of February, 2019. Respectfully submitted,

LAW OFFICES OF MARTIN HART, LLC

By:

  
ALISSA A. COOLEY, ESQ.

Nevada State Bar No. 13467  
526 South 7th Street  
Las Vegas, NV 89101

**NOTICE OF MOTION**

**TO:** JESUS VIDAL AGUILAR, MARTA MARIA RIVAS.

**PLEASE TAKE NOTICE** that Plaintiff has set the foregoing **MOTION FOR SPECIAL FINDINGS ON THE ISSUE OF SPECIAL IMMIGRANT JUVENILE STATUS** for hearing on the 27<sup>th</sup> day of March, 2019 at 9:00a.m. in Department M of the Family Court located at 200 Lewis Avenue, Las Vegas, NV 89106.

DATED this 26<sup>th</sup> day of February, 2019.

Respectfully submitted,

LAW OFFICES OF MARTIN HART, LLC

By:



ALISSA A. COOLEY, ESQ.  
Nevada State Bar No. 13467  
526 South 7th Street  
Las Vegas, NV 89101

## POINTS AND AUTHORITIES

### **I. INTRODUCTION**

Seventeen-year-old Bryan Ariel Aguilar Rivas ("Bryan"), through Petitioner, requests this Court enter an order with findings on the issue of Special Immigrant Juvenile Status ("SIJS"). Bryan left El Salvador after his mother, Marta Maria Rivas, neglected him by his and members of a local criminal organization accosted and harassed him to join.

To prevent undocumented children in Bryan's situation from returning to countries where they face harm, Congress amended the Immigration and Nationality Act in 1990 to include the category of Special Immigrant Juveniles ("SIJ"). Exh. 1 (Baum et al., *Most in Need but Least Served: Legal and Practical Barriers to Special Immigrant Juvenile Status for Federally Detained Minors*, 50 Fam. Ct. Rev. 621, 621 (2012)) at 1. The SIJ provision extends protection from deportation to undocumented children who have suffered abuse, abandonment, neglect, or similar harm. *Id.* Before a child can apply for SIJS from USCIS, a juvenile court must first find that: (1) the child has been declared dependent on the juvenile court or the court must have legally committed the child to, or placed her under the custody of, an agency or department of the State, or an individual or entity appointed by the State or juvenile court; (2) the child's reunification with one or both of her parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law; and (3) the child's best interest would not be served by being returned to his country of origin. 8 U.S.C. § 1101(a)(27)(J) (2006, supp. 2009).

The juvenile court does not determine whether the child is eligible for SIJS nor is it vested with the authority to grant or deny a child SIJS. The requested findings are a preliminary factual determination that must be made prior to the filing of an application for immigration relief with the United States Immigration and Citizenship Services (USCIS) office. *See* 8 C.F.R.

1 § 204.11(d)(2) (2009). Moreover, SIJS is not a path to immigration status for the family or  
2 friends of the juvenile granted SIJS. *See* 8 U.S.C. § 1101 (a)(27)(J)(iii)(II) (providing that  
3 neither parent of a child granted SIJS may receive immigration rights, privileges, or status from  
4 the child).

5 In addition, Congress has enacted safeguards within the SIJ statute to ensure that  
6 juveniles do not abuse or take advantage of the SIJ process. Once a minor submits an SIJS  
7 petition to USCIS, the District Director must “consent” to the grant of status. 8 U.S.C. §  
8 1101(a)(27)(J)(iii). To grant consent, USCIS must find that the “SIJ benefit was not ‘sought  
9 primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent  
10 residence, rather than for the purpose of obtaining relief from abuse, or neglect or  
11 abandonment.’” Exh. 2 (Mem. from Donald Neufeld, Acting Associate Director of Domestic  
12 Relations, USCIS, 3 (Mar. 24, 2009) [hereinafter Neufeld Memo] (quoting H.R. Rep. No. 105-  
13 405, at 130 (1997)). Therefore, by entering SIJ findings, the juvenile court does not make the  
14 ultimate decision regarding eligibility for immigration relief, nor is it enabling anyone but the  
15 abused, neglected, or abandoned child to apply for lawful immigration status. The juvenile court  
16 is not responsible for ensuring that the child’s claim to SIJ is meritorious or that the request for  
17 SIJS made before USCIS is bona fide. Congress has delegated both of these functions to USCIS.  
18 The juvenile court’s sole role in this process is to make factual findings upon which USCIS can  
19 make a determination of eligibility.

20 Nevada recently codified 8 U.S. C. § 1107(a)(27)(iii), via State Assembly Bill 142, that  
21 went into effect on October 1, 2017. *See* NRS 3.2203. Further, the Nevada Supreme Court  
22 recently entered an unpublished order in which it found that even without the recent codification  
23 of the SIJ statute, the District Court has jurisdiction to enter such findings when ancillary to the  
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1 proceedings. *See Alvarado-Ramirez v. Menjivar*, No. 74030, 2018 Nev. (Nev. Sup. Ct. Dec. 27,  
2 2018).

## 3 II. STATEMENT OF FACTS

4 Bryan was born July 31, 2001 in El Salvador. His father is Jesus Vidal Aguilar  
5 (hereinafter, "Jesus") and his mother is Martha Maria Rivas (hereinafter, "Marta"). *See*  
6 *Declaration of Bryan Ariel Aguilar Rivas in Support of Motion for Findings on the Issue of*  
7 *Special Immigrant Juvenile Status*, filed concurrently herein (hereinafter, "*Bryan Decl.*"), at 1, ¶  
8 1. Prior to coming to the United States, Bryan lived with his mother, three younger siblings, and  
9 his maternal grandparents. *Id.* at 1, ¶ 2. Bryan's parents were never married and separated when  
10 he was around three-years-old. *Id.* at 1, at 1.

11  
12 After Jesus separated from Marta, he moved to the U.S. *Id.* Bryan stayed in El Salvador  
13 in the care of his mother. *Id.* He lived with his mother, grandfather, and siblings. *Id.* Bryan's  
14 father sent money to Bryan's paternal grandma when he was

15  
16 Bryan's mother started to date a man named Jose when he was thirteen-years-old. *Id.* at ¶  
17 2. Jose moved in sometime thereafter. *Id.* Bryan did not like Jose because Jose frequently  
18 fought with his mother and was physically abusive with his sister, Mayrin. *Id.* When Jose and  
19 his mother fought, Bryan overheard them and sometimes, the couple fought in front of him. *Id.*  
20 They yelled at, pushed, and tried to hit each other. *Id.* He never saw anyone hit, punch, or slap  
21 the other but he was not present for all of fights. *Id.* The fighting was daily and made Bryan feel  
22 bad. *Id.* On occasion, Bryan tried to intervene because he did not like to see Jose mistreat his  
23 mom. *Id.* After their fights, Bryan's mother would feel bad and cry. *Id.* When Bryan tried to  
24 intervene, he would tell Jose to stop fighting with his mom but Jose would only start to argue  
25 with Bryan. *Id.*

1 Bryan's sister, Mayrin, is now fifteen-years-old. *Id.* at 2, ¶ 3. When Mayrin was twelve-  
2 years-old, Jose became angry with her because she chatted with boys. *Id.* Bryan witnessed Jose  
3 push Mayrin and throw her around. *Id.* When Jose did this, Mayrin often fell to the ground. *Id.*  
4 Jose's abuse left bruises on Mayrin's body. *Id.* Bryan did not get involved when Jose hit Mayrin  
5 because he was scared Jose would hurt him, too. *Id.* Bryan describes Jose as a big, strong guy.  
6 *Id.* at ¶ 2. Whenever Jose started to abuse Mayrin, it scared Bryan. *Id.* at ¶ 3. Marta knew about  
7 the fights Jose had with Mayrin, and about the abuse. *Id.* at ¶ 4. Sometimes she was there when  
8 Jose would hit Mayrin but she never stopped him. *Id.* Occasionally, after he finished, Marta  
9 would tell him that he should not have done that. *Id.* Marta did not defend her children as a  
10 mother should. Indeed, Jose told Marta that if Bryan continued to intervene in their fights, it  
11 would be dangerous for Bryan and Jose would kill him. *Id.* Jose and Marta eventually  
12 separated in or around November 2017. *Id.* Bryan did not know why but he was happy to know  
13 Jose was not able to hurt his family anymore. *Id.*

14 Marta did not have employment and instead remained in the home. *Id.* at ¶ 5. Bryan's  
15 grandfather grew corn for the family to eat. *Id.* Bryan's father sent him money to his paternal  
16 grandma and Bryan would pick it up. *Id.* Bryan's father would send \$50 randomly throughout  
17 the month. *Id.* If his father did not send money, Bryan would not enough food to eat or have  
18 money for school supplies and books. *Id.* Even with the money his father spent, there were  
19 times Bryan still went without enough food. *Id.* He and his siblings would ration their food or  
20 sometimes, they had nothing to eat at all. *Id.* In 2017, Bryan stopped going to school during the  
21 week so he could help his grandfather farm corn to feed the family. *Id.* at ¶ 7. Bryan helped his  
22 grandfather Monday through Friday, from 6:00 a.m. to 11:30 a.m. *Id.* Sometimes Bryan got hurt  
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1 while working and often encountered snakes and large bugs. *Id.* His grandfather did not pay  
2 him for his work; rather, his payment was being able to eat that week. *Id.*

3 When Lucia visited family in El Salvador, she would spend time with Bryan. *See Lucia*  
4 *Decl.*, at ¶ 1. When she saw him, Bryan wore old, worn clothes. *Id.* at ¶ 2. She would bring him  
5 clothes or shoes and give him money for food when she came from the U.S. *Id.* To help Bryan  
6 with his needs, Lucia's husband would hire him to fix a fence on the family property and pay him  
7 for his work. *Id.*

9 Bryan came to the U.S. in June 2018 and was placed into the custody of the Office of  
10 Refugee Resettlement. *Id.* at 3; *see also Bryan Decl.*, at ¶ 8. Lucia signed a sponsor agreement  
11 with immigration officials, in which she agreed to care for Bryan and ensure he attend his future  
12 immigration court hearings. *See Lucia Decl.*, at ¶ 3. Though his father lives in Las Vegas, his  
13 home did not have sufficient space for Bryan. *Id.*; *see also Bryan Decl.*, at ¶ 8. If Bryan lived  
14 with his father, he would not have a bedroom and would have to sleep on the couch. *Bryan*  
15 *Decl.*, at ¶ 8; *see also Lucia Decl.*, at ¶ 3. Since coming into Lucia's care, Bryan has enrolled in  
16 high school, gotten his immunizations, taken him to appointments, and provided him with food,  
17 clothing, shelter, and anything else he needs. *Bryan Decl.*, at ¶ 8; *see also Lucia Decl.*, at ¶ 3. If  
18 the guardianship is approved, Lucia intends to add Bryan to her health insurance. *Bryan Decl.*, at  
19 ¶ 8; *see also Lucia Decl.*, at ¶ 3. Bryan has not gone hungry since arriving in Las Vegas and  
20 feels much more tranquil living with Lucia than he did with his mother in El Salvador. *Lucia*  
21 *Decl.*, at ¶ 3.

### 22 23 24 25 26 27 28 III. LEGAL ARGUMENT

26 SIJS exists to "protect the applicant from further abuse or maltreatment by preventing  
27 him or her from being returned to a place where he or she will likely suffer further abuse or  
28

neglect." *Matter of Sing W.C.*, 83 A.D.3d 84, 91 (N.Y. App. Div. 2011). To establish eligibility for SIJS, a juvenile court must find that:

(1) The child has been declared dependent upon a juvenile court or a juvenile court must have legally committed the child to, or placed her under the custody of, an agency or department of the State, or *an individual or entity appointed by the State or juvenile court*;

(2) The child's reunification with one or both of his parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and

(3) The child's best interests would not be served by being returned to his country of origin.

8 U.S.C. § 1101(a)(27)(J) (2006, supp. 2009); NRS 3.2203(a)-(c). Each of these criteria is met in this case.

**A. This Court Qualifies as a "Juvenile Court."**

Federal regulations define a juvenile court as "a court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." 8 C.F.R. § 204.11(a) (2009). The Family Court Division of the Eighth Judicial District Court of Nevada is a juvenile court because it is authorized to make custody and care determinations in Nevada. *See Alvarado-Ramirez*, No. 74030, at \*4 (citing NRS 3.2203, "the family court division has original and exclusive jurisdiction over matters affecting the familial unit including divorce, custody, marriage contracts, community and separate property, child support, parental rights, guardianship, and adoption."). Further, the Nevada Legislature acknowledged this general jurisdiction of the District Court in Nev. Rev. Stat. § 3.2203 when it dropped the term "juvenile" from the first prong of its adaptation of the SIJS statute. *Compare* 8 U.S.C. § 1101(a)(27)(J), *with* NRS 3.2203(3)(a). This Court has undertaken jurisdiction to consider whether to appoint Lucia as legal guardian of Bryan's person. Thus the request for

1 these findings is ancillary to the underlying appointment of guardian. Accordingly, the first  
2 prong of the SIJS statute has been satisfied.

3 **B. Reunification of Bryan with One or Both of His Parents is Not Viable Due to**  
4 **Abuse, Neglect, Abandonment, or a Similar Basis Under State Law.**

5 Eligibility for SIJS next requires a finding that "reunification with 1 or both of the  
6 immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found  
7 under State law." 8 U.S.C. § 1101(a)(27)(J)(i). Relief is available even if the child is in the  
8 custody of one parent. *In re Karen C.*, 973 N.Y.S.2d 810 (App. Div. 2d Dep't 2013); *Marcelina*  
9 *M.-G. v. Israel S.*, 112 A.D.3d 100, 102, 973 N.Y.S.2d 714 (2013); *Matter of E.G.*, 24 Misc.3d  
10 1238(A) (N.Y. Fam. Ct. 2009). Reunification with one or both of Bryan's parents is not viable  
11 due to neglect.  
12

13 **1. Reunification is not viable due to neglect.**

14 Nevada defines a "negligent treatment or maltreatment" of a child occurs  
15

16 if a child has been subjected to harmful behavior that is terrorizing,  
17 degrading, painful or emotionally traumatic, has been abandoned, is without  
18 proper care, control or supervision or lacks the subsistence, education,  
19 shelter, medical care, or other care necessary for the well-being of the child  
20 because of the faults or habits of the person responsible for the welfare of  
21 the child or the neglect or refusal of the person to provide them when able  
22 to do so.

23 NRS § 432B.140. Further,  
24

25 negligent treatment or maltreatment as set forth in NRS 432B.140, of a  
26 child caused or allowed by a person responsible for the welfare of the child  
27 under circumstances which indicate that the child's health or welfare is  
28 harmed or threatened with harm...

NRS § 432B.020(c). Bryan's mother has neglected him under these definitions.

Bryan's mother did not have means to provide for Bryan and his three younger siblings.

Bryan and his siblings frequently ate one meal a day and other times went hungry. *Bryan Decl.*,

1 at 2-3 ¶ 5. Bryan essentially dropped out of school to help his grandfather grow corn to feed his  
2 family. *Id.* at 3, ¶ 7. Bryan did not have sufficient school supplies, including books. *Id.* at 3, ¶  
3 5. His aunt, and proposed Guardian, provided him shoes, clothing, and money for food  
4 whenever she visited him. *Lucia Decl.*, at 1-2, ¶ 2. Further, Bryan endured daily arguments  
5 between his mother and her live-in, long-term boyfriend, Jose, which occasionally led to  
6 violence. *Bryan Decl.*, at 1-2, ¶¶ 2-4. The fights scared Bryan but he nonetheless tried to protect  
7 his mother by intervening. *Id.* at 2, ¶ 2. Jose also beat Bryan's younger sister, Mayrin,  
8 frequently. *Id.* at ¶ 3. Jose, whom Bryan describes as a "big, strong guy[,] " would push Mayrin  
9 and "throw her around." *Id.* at ¶¶ 3, 4. Jose left several bruises on her body. *Id.* at ¶ 3. Bryan's  
10 mother witnessed these acts yet failed to intervene or otherwise stop Jose from abusing her  
11 daughter. *Id.* at ¶ 4. Instead, she occasionally commented to Jose that he should have done what  
12 he did. *Id.* Bryan's mother not only failed to protect Mayrin from Jose, but also did nothing  
13 when Jose threatened to kill Bryan if he continued to get involved in their fights. *Id.* Bryan was  
14 terrified of Jose and it scared him every time his mother and Jose fought, or Jose beat Mayrin.  
15 *Id.* at ¶¶ 2-3. This constitutes terrorizing, degrading, and emotionally traumatic behavior by  
16 someone who was responsible for Bryan's welfare. Accordingly, reunification of Bryan with his  
17 mother, is not viable due to neglect under Nev. Rev. Stat. §§ 432B.020(c) and 432B.140.

21 Moreover, had Jose abused Mayrin and threatened Bryan in the State of Nevada and  
22 Child Protective Services (CPS) became involved, CPS would have no duty to reunify Bryan  
23 with his mother under Nev. Rev. Stat. § 432B.393(2). Child welfare services is not required to  
24 "make reasonable efforts" to preserve and reunify the family of a child if a parent or other  
25 person responsible for the child "caused the abuse or neglect of the child, or of another child of  
26 the parent or other person responsible for the child's welfare, which resulted in substantial bodily  
27  
28

1 harm to the abused or neglect child.” NRS § 432B.393(2). Because Bryan's mother permitted  
2 her Jose to physically abuse Mayin frequently by pushing her and "throwing her around[,]” and  
3 Mayrin is Bryan's sister, CPS would have no obligation to make reasonable efforts to reunify  
4 Bryan with his mother. Accordingly, reunification of Bryan with his mother is not viable due to  
5 neglect.  
6

7 **2. Reunification is not viable due to criminal neglect of a child under Nev. Rev.**  
8 **Stat. § 200.508(2).**

9 The State of Nevada criminalizes abuse and neglect of a child. "Abuse or neglect" means  
10 physical injury of a non-accidental nature, sexual abuse, sexual exploitation,  
11 negligent treatment or maltreatment of a child under the age of 18 years...  
12 under circumstances which indicate that the child's health or welfare is  
13 harmed or threatened with harm.

14 NRS § 200.508(4)(a).

15 A person who

16 is responsible for the safety and welfare of a child pursuant to NRS  
17 432B.130 and who permits or allows that child to suffer unjustifiable  
18 physical pain or mental suffering as a result of abuse or neglect or to be  
19 placed in a situation where the child may suffer physical pain or mental  
20 suffering as a result of the abuse or neglect[,]

21 not involving sexual abuse or exploitation but resulting in substantial bodily harm, is guilty of a  
22 category B felony and can face two to twenty years in prison. NRS § 200.508(2). In cases not  
23 involving substantial bodily harm, the perpetrator can face anywhere from six (6) months to one  
24 (1) year for a gross misdemeanor and one (1) to five (5) years for a category C felony. *Id.*; NRS  
25 § 193.130(2)(c).

26 In the instant case, Bryan's mother's behavior of permitting her boyfriend to abuse his  
27 younger sister which resulted in several bruises on her body amounts to unjustifiable physical  
28 pain. Further, failing to protect her children from her boyfriend's physical abuse and threats

1 resulted in mental suffering by Bryan. He was terrified of Jose and feared that if Bryan tried to  
2 protect his little sister, Jose would beat Bryan as well. Jose's fighting with his mother, beating of  
3 his sister, and threatening to kill Bryan himself terrorized him in Bryan's own home. As his  
4 mother, Marta was responsible for the safety and welfare of Bryan. Her failure to protect his  
5 sister from constant physical abuse and Bryan from threats amounts to criminal neglect under  
6 Nev. Rev. Stat. § 200.508(2). Accordingly, reunification with his mother is not viable.  
7

8 **C. It is Not in Bryan's Best Interests to Return to El Salvador.**

9 Eligibility for SIJS requires a finding that it is not in the best interests of the child to  
10 return to her country of origin. 8 U.S.C. § 1101(a)(27)(j)(ii) (2009); NRS 3.0223. This Court is  
11 not required to "make a determination as to whether the minor child would be at risk of harm if  
12 returned to the country of origin; [this] Court needs to find that return would not be in the child's  
13 best interests." *In re E.G.*, 2009 WL 2534556, at \*3 (N.Y. Fam. Ct. Aug. 14, 2009). This Court  
14 has the jurisdiction to make this determination not only pursuant to recently amended Nev. Rev.  
15 Stat. § 3.2203, but also in Nevada case law. The Nevada Supreme Court has held that the  
16 District Court must make best interests findings in custody cases where living conditions in other  
17 countries is at issue. *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015) (district  
18 erred in failing to make findings regarding visitation in Africa, where one parent worked, would  
19 be in the best interests of children); *see also Hayes v. Gallacher*, 115 Nev. 1, 3-4, 972 P.2d 1138,  
20 1139-40 (1999) (involving a parent's petition to relocated with children to Japan). This is a  
21 factual determination about the child's situation, not an immigration decision or a request to take  
22 judicial notice of the country conditions of El Salvador.  
23  
24  
25

26 It is not in Bryan's best interests to return to El Salvador. There, Bryan lived with his  
27 mother, her boyfriend, his grandfather, and three siblings. *Bryan Decl.*, at 1, ¶ 1. No adult in the  
28



1 household maintained employment. *Id.* at 2-3, ¶ 5; *see also Lucia Decl.*, at 1, ¶ 2. Bryan's father  
2 sent small amounts of money occasionally but it was not enough for the family to maintain itself.  
3 *Bryan Decl.*, at 3, ¶ 5. Bryan often did not have enough food to eat. *Id.* He would either eat less  
4 or nothing at all. *Id.* Sometimes, there was no food in the house. *Id.* He stopped going to  
5 school full-time so he could help his grandfather grow corn for the family to eat. *Id.* Bryan  
6 would ask his aunt, Lucia, to send him clothes or shoes, and when she visited him, she would  
7 give him money so he could eat. *Lucia Decl.*, at 1-2 ¶ 2. Further, Bryan lived in the home with  
8 domestic violence between his mother and her boyfriend. *Bryan Decl.*, at 1-2 ¶ 2. He frequently  
9 saw or overheard arguments between the two of them, which often led to shoving matches. *Id.*  
10 When Bryan tried to intervene to protect his mother, her boyfriend would argue with Bryan  
11 instead. *Id.* Her boyfriend also told Bryan's mother that if he continued to get involved, he was  
12 going to kill Bryan. *Id.* at 2, ¶ 4. Moreover, his mother's boyfriend frequently physically abused  
13 his little sister. *Id.* at 2, ¶ 3. Bryan did not dare intervene out of fear his mother's boyfriend  
14 would beat him as well. *Id.* His mother was often present for the beatings yet failed to protect  
15 Bryan's sister. *Id.* at 2, ¶ 4. Instead, she would simply tell her boyfriend he should not have done  
16 that. *Id.*

20 If Bryan returns to El Salvador, he will have to return to the home in which he was  
21 exposed to domestic violence, child abuse, and threats. It is not in his best interests to return to  
22 his country of origin. Instead, he should remain in the care of his aunt. She has maintained him  
23 since his arrival in Las Vegas in August 2018. She has clothed, feed, and protected him. He has  
24 enrolled in high school, has received his vaccinations, and if this Court orders a guardianship, his  
25 aunt will provide him with health insurance. Therefore, it is in Bryan's best interests to remain in  
26 the U.S. and not return to El Salvador.  
27  
28

1 WHEREFORE, Lucia respectfully requests this Court enter the following special  
2 findings:

3 1. That pursuant to 8 U.S.C. § 1101(a)(27)(J), the protected minor, BRYAN ARIEL  
4 AGUILAR RIVAS, has been placed in the custody of an individual, to wit: his aunt, LUCIA  
5 AGUILAR AGUILAR who has been appointed as his legal guardian.  
6

7 2. That pursuant to 8 U.S.C. § 1101(a)(27)(J), reunification with the protected minor  
8 BRYAN ARIEL AGUILAR RIVAS' mother is not neglect as defined under Nev. Rev. Stat §§  
9 432B.020(a)-(b) and 432B.140 because his mother failed to protect his younger sister, Mayrin,  
10 from frequent physical abuse by her live-in, long-term boyfriend who threatened to kill Bryan if  
11 he intervened. Such conduct constitutes terrorizing, degrading, and emotionally traumatic  
12 behavior by someone who was responsible for Bryan's welfare.  
13

14 3. That pursuant to 8 U.S.C. § 1101(a)(27)(J), reunification with the protected minor  
15 BRYAN ARIEL AGUILAR RIVAS' mother is not viable due to neglect and endangerment of a  
16 child as defined under Nev. Rev. Stat. § 200.508(2) because his mother, who was responsible for  
17 her children's welfare, permitted them to suffer physical pain and/or substantial mental harm  
18 when her live-in, long-term boyfriend physically abused Bryan's younger sister, Mayrin, and  
19 threatened to kill Bryan. His mother also exposed Bryan to daily domestic disputes and domestic  
20 violence.  
21

22 4. That pursuant to 8 U.S.C. § 1101(a)(27)(J) that it is not in the best interest of the  
23 protected minor, BRYAN ARIEL AGUILAR RIVAS, to return to his home country of El  
24 Salvador because there, his mother exposed him to domestic violence, failed to protect him and  
25 his siblings from physical abuse by her live-in, long-term boyfriend, did not provide him with  
26 sufficient food and clothing, and failed to ensure he received an education. Bryan is now living  
27  
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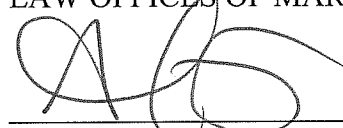
1 safely in Las Vegas with his paternal aunt where he has enrolled in school, will get health  
2 insurance, and has received sufficient food, clothing, shelter, and support in a home free of child  
3 abuse, neglect, and domestic violence.

4 5. And for such other and further relief as the court may deem just and proper.

5 DATED this 20<sup>th</sup> day of February, 2019. Respectfully Submitted,

7 LAW OFFICES OF MARTIN HART, LLC

8 By:



9 ALISSA A. COOLEY, ESQ.  
10 Nevada State Bar No. 13467  
11 526 South 7th Street  
12 Las Vegas, NV 89101  
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28

  
CLERK OF THE COURT

DECL

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas  
DOB: 07/31/2001  
A protected minor.

Case No:

Dept. No:

G-19-051011-M

Dept: M

**DECLARATION OF LUCIA AGUILAR AGUILAR IN SUPPORT OF MOTION FOR  
FINDINGS ON THE ISSUE OF IMMIGRANT JUVENILE STATUS**

I, Lucia Aguilar Aguilar, declare under penalty of perjury:

1. I am a U.S. citizen. Bryan Ariel Aguilar Rivas is my paternal nephew. When he was little, I almost didn't know anything about him because I was in the U.S. when he was born. I became a resident in 2004 and traveled back to El Salvador in 2006. That is when I first met him. He started to visit my parents' house a lot and about four years ago, I got to know him and became closer with him.

2. His mother didn't work. I know they passed through a lot of poverty because they come from a very poor family. My brother, Jesus, would send money for Bryan. He sent it to our mom who would then give it to the kids. I don't know how much he sent. Sometimes Bryan would send me a message asking if I could send him shoes. When I went to visit, I would bring

1 him clothes or shoes and I would give him money so that he can eat. He never told me he  
2 needed food but I wanted to make sure he had enough. I could also tell that he was with very  
3 poor clothes. My husband has a field in El Salvador. Sometimes when we needed someone to  
4 fix the fence, we would ask Bryan and then my husband would pay him. We wanted to give  
5 Bryan the opportunity to earn money. He was a very hard worker and we would rather give him  
6 the money than another worker. We also sent him money, too.

8 3. When Bryan came to the U.S., immigration put him in foster care. I took  
9 responsibility for him. I had to pass a background check and sign a contract saying I would take  
10 care of him and make sure he goes to court. His father/my brother lives in Las Vegas, too, but he  
11 didn't take responsibility for Bryan because there isn't enough space for Bryan at his house.  
12 Also, my brother does not have status but I do. For that reason, we thought it would be better if I  
13 sponsored Bryan. Bryan is my nephew and my blood. After spending time with him in El  
14 Salvador, I saw that he was a well-behaved boy who likes to study. He does not go out and be  
15 disobedient. I want to help him. I try to give him everything he needs that is within my reach  
16 like clothing, food, shoes, etc. I would like to put him on my health insurance through my work  
17 because health insurance is very important in the U.S. I could do that if I become his guardian. I  
18 have taken him to get vaccinations for school. I take him where he needs to go, like to school,  
19 court, or doctors' appointments. He doesn't have a job. He is still underage and I think he won't  
20 be able to care for himself once he is eighteen. He is only in the tenth grade. He cannot drive  
21 and he does not have a job. Sometimes if I can't pick him up from school, he will take the bus  
22 straight home. His school gave him a student pass. He doesn't know how to get anywhere else  
23 on the bus. I would like to be his guardian until he is twenty-one-years-old and he can take care  
24 of himself.

4. This declaration has been read to me in Spanish, a language in which I am fluent.

EXECUTED this 16 day of January, 2019.

Lucia Aguilar Aguilar  
Lucia Aguilar Aguilar

  
CLERK OF THE COURT

DECL

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

Case No:

Dept. No:

G-19-051011-M

Dept: M

**DECLARATION OF BRYAN ARIEL AGUILAR RIVAS IN SUPPORT OF MOTION  
FOR FINDINGS ON THE ISSUE OF IMMIGRANT JUVENILE STATUS**

I, Bryan Ariel Aguilar Rivas, declare under penalty of perjury:

1. I was born July 31, 2001 in El Salvador. My mom's name is Maria Marta Rivas and my dad's name is Jesus Vidal Aguilar. My dad came to the U.S. when I was two or three-years-old. I stayed in El Salvador with my mom, grandpa, and brothers and sisters. We all lived together in one house. I have three sisters and two brothers. I am the second oldest.

2. Starting when I was thirteen-years-old, my mom got a boyfriend. He lived with us. I didn't like him because he passed a lot of time fighting with my mom and my sister, Mayrin. He fought with my mom about a lot of things, like jealousy. I heard the fights and sometimes I saw them because they fought in front of me. My mom and her boyfriend, Jose, would yell at each other and sometimes they would try to hit each other. He would push my

1 mom and she would push him back. I never saw anyone punch the other person but I didn't see  
2 every fight. Sometimes the fighting was continuous, like every day, and they would last several  
3 minutes. It made me feel bad to hear the fights and when I saw him push my mom. Sometimes I  
4 tried to get involved to stop it. I would tell them to stop but my mom's boyfriend would just  
5 argue with me to try to make me understand why he was right. He was a big, strong guy and I  
6 was scared of him, but I didn't like seeing him mistreat my mom. My mom would always get  
7 very bad afterwards. She would be angry or other times she would stay crying.

9 3. When he fought with my sister, it was much worse. Mayrin is now fifteen-years-  
10 old. The fights with her started when she was around twelve. Jose would get angry because  
11 Mayrin chatted with other boys. I saw him push her and throw her around. Sometimes Mayrin  
12 would fall to the ground. A lot of times she would have bruises on her body. I almost never got  
13 involved with her fights because I was scared Jose would get angry at me, too. It always scared  
14 me when I saw him fight with Mayrin.

16 4. My mom knew about the fights Jose had with Mayrin. She was there when they  
17 happened. She would not stop him. My mom would only discuss with Jose afterwards and say  
18 that he shouldn't have done that. She didn't have discussions with him every time though. He  
19 told my mom that if I continued to get involved, it would be dangerous for me and that he would  
20 even kill me. He had been to jail before but I don't remember what for. They eventually broke  
21 up but I don't know why. It was in November 2017, when I was sixteen. When I found out, I  
22 was happy because it would be better without him. My mom and sister would no longer suffer.  
23 None of us would.

26 5. My mom did not work. She stayed at home doing house work. My grandpa grew  
27 corn for us to eat. My dad sent us money through my grandma on his side. I would go to her  
28



1 house to pick it up because we lived close. He sent \$50 every time. There wasn't a set time he  
2 would send it, like every week. It was random. If he didn't send the money, we wouldn't have  
3 enough money to eat or for school supplies, like books and things for projects. Even with his  
4 money, I didn't always have enough to eat. Sometimes there was no food. We would eat less or  
5 nothing at all.

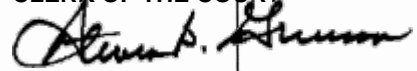
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7 6. My school was about forty-five to sixty minutes away from house by walking. I  
8 took the bus but sometimes I had to walk. I had to leave for school at 7:00 a.m. and would get  
9 out of school at 3:30 p.m. It was very dangerous in my area. There was a lot of delinquency.  
10 The MS-13 gang was in my neighborhood. I would hear the townspeople say that the MS-13  
11 from the city came to our town to form a group there, too. I was being harassed by the  
12 delinquents in my town. Young guys would constantly invite me to go hang out with them and  
13 smoke. I always told them no. They would tell me that I wasn't a man because I didn't go with  
14 them and said that I was scared. I would try to ignore them and walk away. They bothered me  
15 many times. Sometimes when I walked by myself, the young guys would look at me weirdly,  
16 like they wanted to do harm to me.

17  
18  
19 7. Starting in 2017, I stopped going to school during the week so that I could I help  
20 my grandpa grow corn so we could eat. I would help with seeding and taking care that it grew. I  
21 fed and watered the plants and got rid of the bad weeds. I helped him Monday through Friday  
22 from 6:00 a.m. to 11:30 a.m. I went to school on Sundays, which wasn't normal. Sometimes I  
23 got hurt while working. I would prick myself on the plants. There would be snakes and bugs  
24 that bite, too. Sometimes I did work for the grandpa on my dad's side and for my aunt's husband  
25 and they would pay me. The work wasn't consistent though.  
26  
27  
28

1           8.       I came to the U.S. in June 2018 because of the harassment from the youth. I like  
2 living in the U.S. I am going to school again. I like school and I am most interested in learning  
3 English right now. I think there is more opportunity here for one to be able to achieve his goals.  
4 I have goals. I want to obtain a job where I can help myself to survive. I want to be a good  
5 person and not go into delinquency or do bad things. I like living with my aunt and I want her to  
6 be my guardian. She treats me like I'm a son to her. She has done a lot of things for me. She  
7 helped me enroll in school and helped me get an attorney for my immigration case. She took me  
8 to get my shots and has taken me to any appointments I need to go to. She's going to get me  
9 health insurance, too. At her house, I have a bedroom. At my dad's house, I would have to sleep  
10 in the living room on the couch because he has another family. I have had enough food to eat  
11 since I have been here and I have been able to go back to school. At my aunt's house, I feel  
12 calm. There are no fights and arguments.

15           9.       This declaration has been read to me in Spanish, a language in which I am fluent.  
16 EXECUTED this 16 day of January, 2019.

17  
18   
19 \_\_\_\_\_  
20 Bryan Ariel Aguilar Rivas  
21  
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**CERT**

**ALISSA A. COOLEY, ESQ.**

Nevada Bar No. 13467

**LAW OFFICES OF MARTIN HART, LLC**

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Case No: G-19-051011-M

Dept. No: M

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

**CERTIFICATE OF MAILING**

I hereby certify that on the 28th day of February, 2019, I mailed a true and correct copy of the PETITION FOR THE APPOINTMENT OF GUARDIAN, CITATION, and MOTION FOR FINDINGS ON THE ISSUE OF SPECIAL IMMIGRANT JUVENILE STATUS via U.S. mail to the following addresses:

Jesus Vidal Aguilar  
3311 Fico Avenue  
Las Vegas, NV 89141

Maria Marta Rivas  
Caserio Los Rivas  
Canton Llano Largo  
Jutiapa, Cabañas  
El Salvador

//

//

1 Per Nev. Rev. Stat. § 53.045, I declare under penalty of perjury that the foregoing is true  
2 and correct.

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Employee, Law Offices of Martin Hart, LLC

Respectfully submitted:

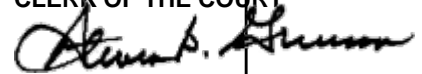
By:

  
**ALISSA A. COOLEY, ESQ.**

Nevada Bar No. 13467

526 South 7th Street

Las Vegas, NV 89101



OAGP

ALISSA A. COOLEY, ESQ.

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Case No: G-19-051011-M

Dept. No: M

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

**ORDER APPOINTING GUARDIAN**

UPON REVIEW of the verified Petition for Appointment of Guardianship submitted by  
Petitioner, the same having come before the above-entitled Court, and it appearing to the  
satisfaction of the Court that proper Notice of hearing of this matter had been duly given in the  
manner required by law, that all allegations contained in the verified Petition are true and correct,  
and that the Ward is a resident of the State of Nevada, and good cause appearing therefore;

**NOW THEREFORE, IT IS HEREBY ORDERED** that LUCIA AGUILAR  
AGUILAR is appointed as Guardian of the person of protected minor BRYAN ARIEL  
AGUILAR RIVAS.

**IT IS FURTHER ORDERED** that the Guardianship will continue until the protected  
minor's twenty-first birthday on July 31, 2022, pursuant to Nev. Rev. Stat. §§ 159.191 and  
159.1905(2).

Page 1 of 2

<b>Settled / Withdrawn:</b>	
<input type="checkbox"/> Without Judicial Conf/Hrg	<input type="checkbox"/> Death
<input checked="" type="checkbox"/> With Judicial Conf/Hrg	<input type="checkbox"/> Age of Majority
<input type="checkbox"/> Alternative Dispute Resolution	<input type="checkbox"/> Restoration of Competency
<input type="checkbox"/> Other Manner of Disposition	<input type="checkbox"/> Order Terminating Guard or Final Accounting
<input type="checkbox"/> Dismissed - Want of Prosecution	<b>Bench (Non-Jury) Trials:</b>
<input type="checkbox"/> Involuntary (Statutory) Dismissal	<input type="checkbox"/> Disposed After Trial Start
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Judgment Reached
<input type="checkbox"/> Transferred	
<input type="checkbox"/> Close Case?	

1           **IT IS FURTHER ORDERED** that Letters of Guardianship shall issue to the Guardian  
2 upon taking oath of office as required by law.

3           ~~**IT IS FURTHER ORDERED** that no bond or blocked account will be required.~~ *WSP*

4           ~~**IT IS FURTHER ORDERED** that this guardianship is a summary administration~~  
5 ~~and therefore no accounting is required.~~ *WSP*

6           **IT IS FURTHER ORDERED** that the Guardian shall enjoy all normal powers conferred  
7 by the Nevada Revised Statutes to take those steps necessary to preserve the real and/or personal  
8 property of the Ward of this Court as indicated above.

9           **IT IS FURTHER ORDERED** that the Guardian mails a copy of this Order and Notice  
10 of Entry of Order to those persons and care providers entitled to notice under Chapter 159 of the  
11 Nevada Revised Statutes.

12           DATED this 27<sup>th</sup> day of March 2019.



DISTRICT COURT JUDGE

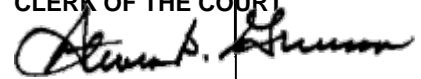
**WILLIAM S. POTTER**

13           Respectfully submitted:

14           LAW OFFICES OF MARTIN HART, LLC

15           By: 

16           ALISSA A. COOLEY, ESQ.  
17           Nevada State Bar No. 13467  
18           526 South 7<sup>th</sup> Street  
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20           Telephone: (702) 380-4278  
21           Facsimile: (702) 384-6006  
22           associate@martinhartlaw.com



NEO

ALISSA A. COOLEY, ESQ.

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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

Case No: G-19-051011-M

Dept. No: M

**NOTICE OF ENTRY OF ORDER APPOINTING GUARDIAN**


**TO: JESUS VIDAL AGUILAR, MARIA MARTA RIVAS**

**PLEASE TAKE NOTICE** that an Order was duly entered in the above-referenced case  
on the 27th day of March, 2019.

DATED this 27th day of March, 2019.

LAW OFFICES OF MARTIN HART, LLC

By:



ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

526 South 7th Street

Las Vegas, NV 89101

*Steven D. Grierson*

OAGP  
ALISSA A. COOLEY, ESQ.  
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*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Case No: G-19-051011-M  
Dept. No: M

Bryan Ariel Aguilar Rivas  
DOB: 07/31/2001  
A protected minor.

**ORDER APPOINTING GUARDIAN**

UPON REVIEW of the verified Petition for Appointment of Guardianship submitted by  
Petitioner, the same having come before the above-entitled Court, and it appearing to the  
satisfaction of the Court that proper Notice of hearing of this matter had been duly given in the  
manner required by law, that all allegations contained in the verified Petition are true and correct,  
and that the Ward is a resident of the State of Nevada, and good cause appearing therefore;

**NOW THEREFORE, IT IS HEREBY ORDERED** that LUCIA AGUILAR  
AGUILAR is appointed as Guardian of the person of protected minor BRYAN ARIEL  
AGUILAR RIVAS.

**IT IS FURTHER ORDERED** that the Guardianship will continue until the protected  
minor's twenty-first birthday on July 31, 2022, pursuant to Nev. Rev. Stat. §§ 159.191 and  
159.1905(2).

Page 1 of 2

<b>Settled / Withdrawn:</b> <input type="checkbox"/> Without Judicial Conf/Hrg <input checked="" type="checkbox"/> With Judicial Conf/Hrg <input type="checkbox"/> Alternative Dispute Resolution <input type="checkbox"/> Other Manner of Disposition <input type="checkbox"/> Dismissed - Want of Prosecution <input type="checkbox"/> Involuntary (Statutory) Dismissal <input type="checkbox"/> Default Judgment <input type="checkbox"/> Transferred	<input type="checkbox"/> Death <input type="checkbox"/> Age of Majority <input type="checkbox"/> Restoration of Competency <input type="checkbox"/> Order Terminating Guard or Final Accounting <b>Bench (Non-Jury) Trials:</b> <input type="checkbox"/> Disposed After Trial Start <input type="checkbox"/> Judgment Reached
<input type="checkbox"/> Close Case?	



1           **IT IS FURTHER ORDERED** that Letters of Guardianship shall issue to the Guardian  
2 upon taking oath of office as required by law.


3           ~~**IT IS FURTHER ORDERED** that no bond or blocked account will be required.~~ *WSP*

4           ~~**IT IS FURTHER ORDERED** that this guardianship is a summary administration~~  
5 ~~and therefore no accounting is required.~~ *WSP*

6           **IT IS FURTHER ORDERED** that the Guardian shall enjoy all normal powers conferred  
7 by the Nevada Revised Statutes to take those steps necessary to preserve the real and/or personal  
8 property of the Ward of this Court as indicated above.

9           **IT IS FURTHER ORDERED** that the Guardian mails a copy of this Order and Notice  
10 of Entry of Order to those persons and care providers entitled to notice under Chapter 159 of the  
11 Nevada Revised Statutes.

12           DATED this 27<sup>th</sup> day of March 2019.

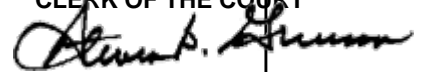
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15  
16 DISTRICT COURT JUDGE  
17 **WILLIAM S. POTTER**

18 Respectfully submitted:

19 LAW OFFICES OF MARTIN HART, LLC

20  
21 By: 

22 ALISSA A. COOLEY, ESQ.  
23 Nevada State Bar No. 13467  
24 526 South 7<sup>th</sup> Street  
25 Las Vegas, NV 89101  
26 Telephone: (702) 380-4278  
27 Facsimile: (702) 384-6006  
28 associate@martinhartlaw.com



1 **LETT**

2 **ALISSA A. COOLEY, ESQ.**

3 Nevada Bar No. 13467

4 **LAW OFFICES OF MARTIN HART, LLC**

5 526 South 7<sup>th</sup> Street

6 Las Vegas, NV 89101

7 Telephone: (702) 380-4278

8 Facsimile: (702) 384-6006

9 associate@martinhartlaw.com

10 *Attorney for Lucia Aguilar Aguilar*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 In the matter of the Guardianship of,  
14 the person:

Case No: G-19-051011-M

Dept. No: M

15 Bryan Ariel Aguilar Rivas

16 DOB: 07/31/2001

17 A protected minor.

18 **GENERAL LETTERS OF GUARDIANSHIP**

19 On the 30th day of January, 2019, an Order of the Court was entered appointing  
20 LUCIA AGUILAR AGUILAR as Guardian of the person of the above-named protected minor.  
21 The named Guardian, having been duly qualified, is authorized to act and have the authority to  
22 perform the duties of such Guardian.

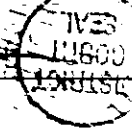
23 In testimony of which I have this date signed these Letters and affixed the seal of the  
24 Court.

25 STEVEN GRIERSON, CLERK OF THE COURT

26 **MAR 28 2019**  
27 **ANGELICA CASTILLO**

28 By: \_\_\_\_\_

Deputy Clerk

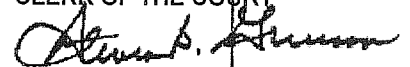


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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to the best of my knowledge and belief.

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GACK  
ALISSA A. COOLEY, ESQ.  
Nevada Bar No. 13467  
LAW OFFICES OF MARTIN HART, LLC  
526 South 7th Street  
Las Vegas, NV 89101  
Telephone: (702) 380-4278  
Facsimile: (702) 384-6006  
associate@martinhartlaw.com

*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Case No: G-19-051011-M  
Dept. No: M

Bryan Ariel Aguilar Rivas  
DOB: 07/31/2001  
A protected minor.

**GUARDIAN'S ACKNOWLEDGMENT OF DUTIES AND  
RESPONSIBILITIES UNDER NRS 159**

I, LUCIA AGUILAR AGUILAR, Guardian, hereby declare that I understand there are  
certain duties and responsibilities required of me in the administration of the above guardianship.  
By initialing each item below, I understand my guardianship duties and responsibilities include,  
but are not limited to, the following:

**I. Required duties and functions:**

The undersigned hereby acknowledges and understands that the duties and functions of a  
guardian are as follows:

LMR

To supply the Protected Minor with proper care, including food,  
shelter, clothing,

and necessities, maintenance, support, and education, including training for a profession if applicable.

L m A

To supply the Protected Minor with surgical, dental, psychiatric, psychological, hygienic, or other care or treatment as needed.

L m A

To notify the court if certain circumstances relating to the qualifications of the Guardian to serve as Guardian of a Protected Minor occur after appointment as Guardian, i.e., moves out of state; has been judicially determined to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other person; has been convicted of a felony; has been suspended for misconduct or disbarred from the practice of law, the practice of accounting or any other professions which involves the management or sale of property and requires licensure in Nevada or any other state; has filed bankruptcy within the past seven years.

L m A

To notify the court and certain other persons within thirty days of the death of a Protected Minor.

## II. Court Authority

The undersigned hereby acknowledges and understands that in accordance with Nevada

Revised Statutes 159, court authority must be obtained prior to:

L m A

Authorizing major medical or dental treatment.

L m A

Authorizing the Guardian to place the Protected Minor in a secured residential long-term care facility.

L m A

Exercising or releasing power of the Protected Minor as done of a

power of appointment.

LM A

Changing the state of residence or domicile of the Protected Minor.

LM A

Releasing the power of the Protected Minor as trustee, personal representative, or custodian for a minor or guardian.

LM A

Exercising the right of the Protected Minor to take under or against a will.

### III. Miscellaneous

The undersigned hereby acknowledges and understands that in addition to the performance of the duties outlined above, the following will be required of him/her:

LM A

Filing an Order Appointing Guardian within ten (10) days of the undersigned's appointment as guardian.

LM A

Filing a Notice of Entry of Order Appointing Guardian within two (2) days of filing of the Order Appointing Guardian; [Best Interest of Protected Minor].

LM A

Filing General Letters of Guardianship within fourteen (14) days of the filing of the Order Appointing Guardian; [Best Interest of Protected Minor]

LM A

Filing a Report of Guardian every year to bring the court up to date on the health and well-being of the Protected Minor. The Report of Guardian must be filed within one year and sixty (60) days for the anniversary of the undersigned's appointment as guardian of the person of the Protected Minor.

LM A

The undersigned he, she may not remove the Protected Minor from the

1 State of Nevada without prior court authority.

2 LMA

3 The undersigned understands that if he/she is judicially determined to  
4 have committed abuse, neglect, or exploitation of a child, spouse, parent  
5 or other person, he/she shall prepare and file a Petition setting for the  
6 facts. He/she shall set it on the court calendar for hearing and mail  
7 copies to all persons entitled under Nevada Revised Statutes to receive  
8 the Notice.

9 LMA

10 The undersigned understands if he/she is convicted of a felony, sh/she  
11 shall prepare and file a Petition and include that the Petitioner has been  
12 convicted of a felony, a description of the conviction, whether he/she  
13 has been placed on parole or probation, and attach proof of the  
14 disposition. He/she shall set the Petition on the court calendar for  
15 hearing and mail copies to all persons entitled under Nevada Revised  
16 Statutes to receive the Notice.

17 LMA

18 The undersigned understands that if he/she is suspended for misconduct  
19 or disbarred from the practice of law, the practice of accounting or any  
20 other professions which involves the management or sale of property  
21 and requires licensure in Nevada or any other state, he/she shall prepare  
22 and file a Petition and include information as to why the Guardian was  
23 suspended or disbarred, whether criminal charges were filed, and attach  
24 proof of the disposition. He/she shall set the Petition on the court  
25 calendar for hearing and mail copies to all persons entitled under  
26 Nevada Revised Statutes to receive the Notice.  
27  
28

LMA

The undersigned understands that if he/she files for bankruptcy, he/she shall prepare and file a Petition and include that the Petitioner has filed for bankruptcy. He/she shall set the Petition on the court calendar for hearing and mail copies to all persons entitled under Nevada Revised Statutes to receive the Notice.

LMA

The undersigned understands that he/she should seek the advice or assistance of an attorney if the Guardian needs legal advice or does not understand his/her duties and responsibilities to ensure he/she remains in full compliance with the laws of the State of Nevada; [NRS 159.105]

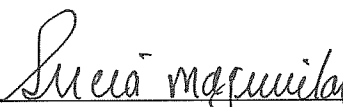
I certify that I have read and reviewed the Guardian's Acknowledgment of Duties and Responsibilities and that I understands the terms and conditions under which the Guardianship is to be managed. I agree to comply with the rules and duties of a guardian as set forth in the laws of the State of Nevada. I understand that the failure to comply with the Guardianship statutes, or with any Order made by the Court, may result in my removal as Guardian and that I may be subject to such penalties as the Court may impose.

DATED this 30 day of January, 2019.

  
LUCIA AGUILAR AGUILAR

I declare under penalty of perjury that I have read and understand my duties and responsibilities as outlined in the foregoing Guardian's Acknowledgment of Duties and Responsibilities under NRS 159.

DATED this 30 day of January, 2019.

  
LUCIA AGUILAR AGUILAR



1 Respectfully submitted,

2 **LAW OFFICES OF MARTIN HART, LLC**

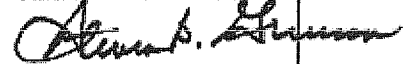
3   
4 ALISSA A. COOLEY, ESQ.

5 Nevada Bar No. 13467

6 526 South 7th Street

7 Las Vegas, NV 89101

8 Telephone: (702) 380-4278



1 NEOJ

2  
3 **DISTRICT COURT**  
4 **CLARK COUNTY, NEVADA**

\*\*\*

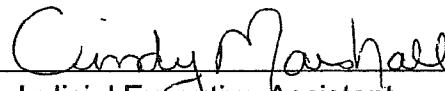
5 In the Matter of the Guardianship of:  
6 Bryan A Aguilar Rivas, Protected  
Minor(s)

Case No.: G-19-051011-M  
Department M

7 **NOTICE OF ENTRY OF ORDER**

8 Please take notice that the Findings of Facts, Conclusions of Law was entered in  
9 the foregoing action on the 28th day of March, 2019 and the following is a true  
10 and correct copy thereof.

11 Dated: This 28th day of March, 2019.

12  
13   
14 Judicial Executive Assistant  
15 Department M

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on or about the above file stamp date, a copy of the  
foregoing Notice of Entry of Order was:

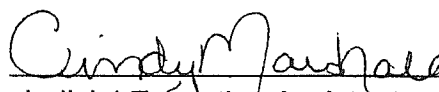
18 ☒ E-served pursuant to NEFCR 9 or placed in the folder of counsel maintained in  
the Office of the Clerk of Court.


19 **Alissa A Cooley, ESQ**

20 ☒ E-served pursuant to NEFCR 9, or mailed, via first-class mail, postage fully  
prepaid, to:

21 **Jesus Vidal Aguilar**  
22 **3311 Fico Ave.**  
**Las Vegas, NV 89141**

23 **Maria Marta Rivas**  
24 **Jutiapa, Cabanas**  
25 **El Salvador**

26   
27 Judicial Executive Assistant  
28 Department M



DISTRICT COURT  
CLARK COUNTY, NEVADA

\*\*\*\*\*

In the Matter of the Guardians of:	)	Case No. G-19-051011-M
	)	Dept. No. M
BRYAN A. AGUILAR RIVAS,	)	
	)	Hearing Date: 3/27/19
Protected Minor.	)	Hearing Time: 9:00 a.m.

**FINDINGS OF FACTS, CONCLUSIONS OF LAW**

The Petitioner herein has requested the Court to make specific findings to support a Petition for Special Immigrant Juvenile status. The petition alleges the minor cannot be reunified with his mother due to abuse. Said abuse came through the mother's boyfriend, Jose. The allegations are that Jose continuously fought with the mother, including some pushing that was observed by the subject minor; and that there was physical abuse (pushing and throwing around) of the subject minor's younger sister; and there were threats of violence made against the subject minor. The declaration of the subject minor states that the abuser, Jose, separated from the mother in November 2017, which appears to be well before the time when the subject minor left his mother's home about June 2018.

NRS 3.2203(3) allows the court to make a determination that:

(b) The reunification of the child with one or both of his or her parents was determined not to be viable because of abandonment, abuse or neglect or a similar basis under the laws of this State; and

(c) It is not in the best interests of the child to be returned to the previous country of nationality or last habitual residence of the child or his or her parents.

VILLIAM S. POTTER  
DISTRICT JUDGE

FAMILY DIVISION, DEPT. M  
LAS VEGAS NV 89101-2408

1 The Allegations set forth in the Motion and the declarations seem to emphasize the  
2 abuse of Jose and the mother's inadequate response. However, it is clear that Jose was out  
3 of the home by the time the subject minor left. There are other allegations made in the  
4 Motion that are not very well developed or articulated in the Declarations in support thereof,  
5 mostly related to poverty; along with the obligatory threats from a local gang.  
6

7 The Court finds insufficient factual support for a finding that reunification is not  
8 viable due to abuse, as the sole purveyor of said abuse no longer resides in the household.  
9

10 The Court finds that there has been no abandonment by either parent.

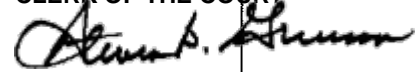
11 The Court finds that the allegations of poverty are insufficient, without greater  
12 detail<sup>1</sup>, to support a finding of neglect.

13 IT IS THEREFORE ORDERED that the petition for Special Immigrant Juvenile  
14 Status Findings (titled as a motion) is hereby denied without prejudice.

15 DATED this 28th day of March, 2019.

16   
17 \_\_\_\_\_  
18 DISTRICT COURT JUDGE  
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26 \_\_\_\_\_  
27 <sup>1</sup> This Court would require very specific and detailed history of neglect if the sole basis for such neglect is a  
28 parent's poverty. While lack of financial resources may be sufficient to temporarily remove a child from a  
parent it is never a sufficient basis to terminate the relationship; or in other words, to find that reunification  
is not viable.



ASTA

ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

**LAW OFFICES OF MARTIN HART, LLC**

526 South 7th Street

Las Vegas, NV 89101

Telephone: (702) 380-4278

Facsimile: (702) 384-6006

associate@martinhartlaw.com

*Attorney for Lucia Aguilar Aguilar*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

In the matter of the Guardianship of,  
the person:

Bryan Ariel Aguilar Rivas

DOB: 07/31/2001

A protected minor.

Case No: G-19-051011-M

Dept. No: M

1. Name of appellant filing this case appeal statement: Lucia Aguilar Aguilar.
2. Identify the judge issuing the decision, judgment, or order appealed from:  
  
Judge William Potter.
3. Identify each appellant and the name and address of counsel for each appellant:

LUCIA AGUILAR AGUILAR

Alissa A. Cooley, Esq.

Nevada Bar #013467

526 South 7th Street

Las Vegas, Nevada 89101

Telephone: (702) 380-4278

Facsimile: (702) 384-6006

associate@martinhartlaw.com

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel):

JESUS VIDAL AGUILAR

Current Counsel unknown. Party is the father of the protected minor and did not respond to the Petition or appear at the hearings.

MARIA MARTA RIVAS

Current Counsel unknown. Party is the mother of the protected minor and did not respond to the Petition or appear at the hearings.

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission): N/A.

6. Indicate whether appellant is represented by appointed or retained counsel in the district court:

Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained, low bono.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

Appellant was not granted leave to proceed in forma pauperis. She will pay filing fees, bond, and costs in this Appeal.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed):

01/10/2019

Petition for Appointment of Guardian of the Person, Minor  
Case No. G-19-051011-M

10. Provide a brief description of the nature of the action and result in the district court, including type of judgment or order being appealed and the relief granted by the district court:

1 This appeal arises from Findings of Fact and Conclusions of Law filed on March 28,  
2 2019 by the district court denying a Motion for Findings on the Issue of Special Immigrant  
3 Juvenile Status. On January 10, 2019, Appellant filed a Petition for the Appointment of  
4 Guardian of the Person for her minor nephew and served the Petition on the relatives within the  
5 second degree of consanguinity. No interested party objected to the Petition, either in writing or  
6 in person at any of the hearings in this matter. The initial hearing on the Petition was scheduled  
7 for January 30, 2019. The district court denied the Petition because the court did not yet have  
8 jurisdiction over the proposed protected minor. Appellant re-filed the Petition and had a second  
9 hearing on March 27, 2019. Appellant contemporaneously filed a Motion for Findings on the  
10 Issue of Special Immigrant Juvenile Status pursuant to Nev. Rev. Stat. § 3.0223 and two  
11 declarations in support thereof. The clerk set the hearing on the Motion for the same day. At  
12 the hearing on March 27, 2019, without appearance of any other interested parties, the district  
13 court granted the Petition and appointed Appellant as guardian of the person over her nephew.  
14

15 Appellant and her nephew were prepared to offer testimony at the hearing, however,  
16 the district court did not permit them. The district court ignored Appellant's arguments  
17 regarding negligent treatment, instead stating that there was insufficient evidence for abuse or  
18 abandonment. The district court further opined it did not believe that it had the jurisdiction to  
19 find make the findings considering the incidents did not occur in Nevada. In a written order  
20 filed the following day, the district court denied the motion for SIJS findings on the ground  
21 Appellant did not provide sufficient evidence of abuse "as the sole purveyor of said abuse no  
22 longer resides in the household." The Appellant argued the abuse of his sister by his mother's  
23 live-in boyfriend and subsequent threats to kill the protected minor constituted negligent  
24 treatment by his mother because she knew about the abuse and threats yet did nothing to protect  
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1 her children. The district court also dismissed the claim of neglect based on the protected  
2 minor's frequent hunger, his dropping out of school, and growing corn to have enough to eat as  
3 mere poverty that does not rise to the level of neglect. The district court found no abandonment  
4 by either parent, despite Appellant not arguing there was abandonment, and that the "allegations  
5 of poverty are insufficient, without greater detail, to support a finding of neglect." This appeal  
6 follows.  
7

8 11. Indicate whether the case has previously been the subject of an appeal to or original  
9 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number  
10 of the prior proceeding:  
11

12 N/A.

13 12. Indicate whether this appeal involves child custody or visitation:  
14

15 N/A

16 13. If this is a civil case, indicate whether this appeal involves the possibility of  
17 settlement:  
18

19 Interested parties who did not consent to the appointment of guardian did not file an  
20 objection, respond to the Motion, or otherwise appear at the hearings in this matter. Thus, this  
21 case does not involve the possibility of a settlement.

22 DATED this 17<sup>th</sup> day of April, 2019.

23 Respectfully submitted,

24 LAW OFFICES OF MARTIN HART LLC

25 By:

26 ALISSA A. COOLEY, ESQ.  
27 Nevada Bar #013467  
28 526 South 7th Street  
Las Vegas, NV 89101



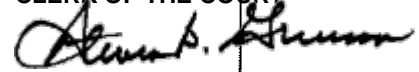
**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing CASE APPEAL  
STATEMENT was served on this 17th day of April, 2019, via U.S. mail to the following:

Jesus Vidal Aguilar  
3311 Fico Avenue  
Las Vegas, NV 89141

Maria Marta Rivas  
Caserio Los Rivas  
Canton Llano Largo  
Jutiapa, Cabañas  
El Salvador

  
\_\_\_\_\_  
Employee of Law Offices of Martin Hart, LLC



1 NOA

2 ALISSA A. COOLEY, ESQ.

3 Nevada Bar No. 13467

4 LAW OFFICES OF MARTIN HART, LLC

5 526 South 7th Street

6 Las Vegas, NV 89101

7 Telephone: (702) 380-4278

8 Facsimile: (702) 384-6006

9 associate@martinhartlaw.com

10 Attorney for Lucia Aguilar Aguilar

11  
12 DISTRICT COURT  
13 CLARK COUNTY, NEVADA

14 In the matter of the Guardianship of,  
15 the person:

16 Bryan Ariel Aguilar Rivas

17 DOB: 07/31/2001

18 A protected minor.

Case No: G-19-051011-M

Dept. No: M

19  
20 NOTICE OF APPEAL

21 Notice is hereby given that Petitioner, LUCIA AGUILAR AGUILAR, appeals to the  
22 Supreme Court of Nevada from the Findings of Fact and Conclusions of Law filed on the 28th  
23 day of March, 2019.

24 DATED this 16<sup>th</sup> day of April, 2019.

LAW OFFICES OF MARTIN HART, LLC

25 By:

  
ALISSA A. COOLEY, ESQ.

Nevada Bar No. 13467

526 South 7th Street

Las Vegas, NV 89101

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing NOTICE OF APPEAL was served on this 17<sup>th</sup> day of April, 2019, via U.S. mail to the following:

Jesus Vidal Aguilar  
3311 Fico Avenue  
Las Vegas, NV 89141

Maria Marta Rivas  
Caserio Los Rivas  
Canton Llano Largo  
Jutiapa, Cabañas  
El Salvador



Employee of Law Offices of Martin Hart, LLC

FILED

MAY 30 2019

*Steph L. Johnson*  
CLERK OF COURT

ORIGINAL

EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

In The Matter of the ) CASE NO. G-19-051011-M  
Guardianship of: ) DEPT. M  
)  
BRYAN A. AGUILARA RIVAS, )  
) APPEAL: 78626  
Protected Minor (s) )  
)

BEFORE THE HONORABLE WILLIAM POTTER

TRANSCRIPT RE: ALL PENDING MOTIONS

January 30. 2019

APPEARANCES:

The Petitioner: LUCIA AGUILAR AGUILAR  
For the Plaintiff: ALISSA COOLEY, ESQ.  
526 S, Seventh St.  
Las Vegas, NV 89101

The Protected Minor: BRYAN A. AGUILAR RIVAS  
For the Defendant:

Also Present:

Court Interpreter Michelle Roth

1 LAS VEGAS, NEVADA

WEDNESDAY, JANUARY 30, 2019

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 10:08:28.)

4 THE COURT: ... 051011-M. All right. Appearances please?

5 MS. COOLEY: Good morning, Good morning, Your Honor.

6 Attorney Alissa Cooley, bar number 13467 appearing on behalf  
7 of the Petitioner, Lucia Aguilar Aguilar. Also present is  
8 protected minor, Bryan Ariel Aguilar Rivas.

9 THE COURT: All right. And Bryan, do you speak English?

10 MR. RIVAS: (Through interpreter) No.

11 THE COURT: No? Okay. You attending school?

12 MR. RIVAS: (Through Interpreter) Yes.

13 THE COURT: All right. So, counselor, Bryan's been here  
14 since when?

15 MS. COOLEY: I believe he arrived in Las Vegas August,  
16 August, 2018, Your Honor. But he was only in Texas for a  
17 short period of time in a detention facility and Texas did not  
18 acquire jurisdiction.

19 THE COURT: And where was he before that?

20 MS. COOLEY: El Salvador, Your Honor.

21 THE COURT: All right. So, El Salvador, under the UCCJEA,  
22 is to be treated as a state, all right? So, he hasn't been  
23 here six months. Under the UCCJEA I don't have any  
24 jurisdiction at this point in time.

25 He would have to have been here - - once, once he

1 completes that six months here in Nevada...

2 MS. COOLEY: Mmm Hmm.

3 THE COURT: ... then Court's open, okay? Then I have  
4 jurisdiction.

5 MS. COOLEY: Okay.

6 THE COURT: In the meantime, if there's an emergency I  
7 could grant you a temporary emergency, but that's just  
8 supposed to be a stop gap to get you back, El Salvador, the,  
9 the home state to get a Guardianship there.

10 If there's a medical emergency or something, we  
11 could give you, you know, something that was very temporary.  
12 Other than that, though I'm afraid I need to deny the Petition  
13 until that six months has been complied with so we meet the  
14 requirements.

15 MS. COOLEY: Okay. Your Honor.

16 THE COURT: Okay? So, now the date I have for residency  
17 was October 9<sup>th</sup>. Is that, is that the date when he came to, to  
18 live with you in Nevada? August 9<sup>th</sup>? Yeah?

19 MS. COOLEY: August.

20 THE COURT: Yeah. So let's use that date, the 9<sup>th</sup>. And so  
21 as soon as that six months is done - - so we have September,  
22 October, November, December, January, February. Next month,  
23 you know, it's not long. Next month you can - - you need to  
24 file a new Petition, okay? If it's filed in the same case  
25 number, that's fine, but I need a new Petition.

1 MS. COOLEY: Okay.

2 THE COURT: And, and then just, I mean, you should renew  
3 the service. But what I will do is - - I won't require you to  
4 do - - and I don't know, did you do the - - you didn't do  
5 Return Receipt Requested on these to El Salvador?

6 MS. COOLEY: Yeah, I did. I did International Return  
7 Receipt. It's a pink card instead of a green card.

8 THE COURT: Did you get any of those back?

9 MS. COOLEY: I - - sometimes I get them back, but I  
10 haven't yet.

11 THE COURT: All right. If you don't get 'em back, then  
12 just send it, send it regular mail.

13 MS. COOLEY: Okay.

14 THE COURT: I'll, you know, we've got - - you met the  
15 legal requirement for notification in this one and we'll,  
16 we'll carry that over so you don't have to do that...

17 MS. COOLEY: Okay.

18 THE COURT: ... crazy expensive mail twice.

19 MS. COOLEY: Yeah, thanks.

20 THE COURT: But, but just send, send, send regular mail.

21 MS. COOLEY: Okay.

22 THE COURT: Okay? All right. So any questions? Any  
23 concerns?

24 MS. COOLEY: Would it be an Amended Petition, Your Honor?

25 THE COURT: Don't call it an Amended Petition - - well, if

1 the Clerk's office requires you to put that on there to file  
2 it then that's fine...

3 MS. COOLEY: Okay.

4 THE COURT: ... that's fine. It just - - I mean basically  
5 the law requires that the case be initiated after the six  
6 months...

7 MS. COOLEY: Okay.

8 THE COURT: ... so we, we don't really want it to relate  
9 back, but if it's an Amended Petition, that, that'll be okay.

10 MS. COOLEY: Okay.

11 THE COURT: You know, as long as it's renewed after we've  
12 got the jurisdiction in place. All right. Anything else?

13 MS. COOLEY: Thank you.

14 THE COURT: Okay. Also, for the SMJ, if you want to - -  
15 rather than the documentation regarding him entering. I mean,  
16 you know what findings you want me to make...

17 MS. COOLEY: Correct.

18 THE COURT: Give me a, an Affidavit from, from Brian and  
19 from Lucia, but Brian especially. If you can get me an  
20 Affidavit that lays out the facts so I can make those  
21 findings...

22 MS. COOLEY: I do have those already...

23 THE COURT: Okay, yeah...

24 MS. COOLEY: ... I just haven't filed them  
25 (indiscernible)...



1 THE COURT: ... so and we can do it by Affidavit. That's  
2 usually easier than me putting them on the stand and him  
3 saying something that...

4 MS. COOLEY: Okay.

5 THE COURT: ... causes a problem.

6 MS. COOLEY: Oh, okay.

7 THE COURT: I just, I - - you know, when, when the finding  
8 is that he's - - abandonment or neglect - I, you know,  
9 sometimes people say the wrong things.

10 MS. COOLEY: Okay.

11 THE COURT: So, all right.

12 MS. COOLEY: Thank you.

13 THE COURT: But if you get that filed with the Petition,  
14 so that when you bring in your Order, you can bring in your  
15 Order with Findings in there and everything. You know...

16 MS. COOLEY: Right.

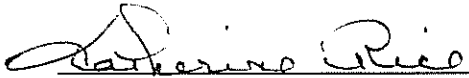
17 THE COURT: ... we'll get it. All right. Thank you.

18 MS. COOLEY: Thank you so much.

19 (THE PROCEEDING ENDED AT 010:13:44.)

20 \* \* \* \* \*

21 ATTEST: I do hereby certify that I have truly and  
22 correctly transcribed the video proceedings in the above-  
23 entitled case to the best of my ability.

24   
25 Katherine Rice  
Transcriber

FILED

MAY 30 2019

*Anna B. Johnson*  
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

In The Matter of the ) CASE NO. G-19-051011-M  
Guardianship of: ) DEPT. M  
)  
BRYAN A. AGUILAR RIVAS, )  
) APPEAL: 78626  
Protected Minor (s) )  
)

BEFORE THE HONORABLE WILLIAM POTTER

TRANSCRIPT RE: ALL PENDING MOTIONS

March 27, 2019

APPEARANCES:

The Petitioner: LUCIA AGUILAR AGUILAR  
For the Plaintiff: ALISSA COOLEY, ESQ.  
526 S, Seventh St.  
Las Vegas, NV 89101

The Protected Minor: BRYAN A. AGUILAR RIVAS  
For the Defendant:

Also Present:

Court Interpreter: Patricia Tejeda

1 LAS VEGAS, NEVADA

WEDNESDAY, MARCH 27, 2019

2 P R O C E E D I N G S

3 (THE PROCEEDINGS BEGAN AT 09:06:37.)

4 THE COURT: This is case G-19-051011-M. Appearances,  
5 please?

6 MS. COOLEY: Good Morning, Your Honor. Alissa Cooley  
7 appearing on behalf of the Petitioner in this matter Lucia  
8 Aguilar Aguilar. Also present is the Proposed Protected  
9 Minor, Bryan Ariel Aguilar Rivas.

10 THE COURT: Okay. And we're on here today for a Citation  
11 for Appointment of Guardian. Does anybody here wish to file  
12 an Objection to the Guardianship? And, Bryan, you understand  
13 why you're here today?

14 MR. RIVAS: (Through Interpreter throughout) Yes.

15 THE COURT: And why are you here today?

16 MR. RIVAS: Because my Aunt is going to ask for my, what  
17 do you call it? For Guardianship over me.

18 THE COURT: Okay. You understand that that means that  
19 she's going to have parental authority over your health,  
20 education and welfare? She'll be the person designated to  
21 make decisions on your behalf regarding all those issues.

22 MR. RIVAS: Yes I understand.

23 THE COURT: All right. And now, your Father, your Father,  
24 though, he resides here in Las Vegas?

25 MR. RIVAS: Yes.

1 THE COURT: All right. Counsel, do you have a proposed  
2 Order for me?

3 MS. COOLEY: I do. Thank you.

4 THE COURT: Counsel, the statute now requires that the  
5 Orders include additional information that's not included in  
6 your Order. They need the names and addresses of the  
7 individuals who are required service within the second degree.

8 MS. COOLEY: Oh okay.

9 THE COURT: So you'll wanna update your forms.

10 MS. COOLEY: Okay, thank you.

11 THE COURT: You should - - if you're going to do many of  
12 these Guardianships at all, you probably should look through  
13 the statutes. I mean, it's just two sections. Adult and the  
14 juvenile section. Make sure you're familiar with the, with  
15 the new statutes. They've been in place for, you know, over a  
16 year now...

17 MS. COOLEY: Okay.

18 THE COURT: ... and there's, there's some tricks in there  
19 that could create hazards for you by getting paid and ...

20 MS. COOLEY: Okay.

21 THE COURT: ... and other things you might wanna just have  
22 a have a look at those.

23 MS. COOLEY: Thank you, Your Honor.

24 THE COURT: All right. The other thing, counselor, you  
25 had a Petition for SIJS. You might want to provide some

1 additional information. Under state law these - - all these  
2 SIJ Orders are required to be met under state law. And I, I'm  
3 not sure what theory you're advancing the Petition under - -  
4 whether it's abuse, neglect, abandonment. Because,  
5 technically, from the information provided in his Affidavit, I  
6 don't think you meet the grounds for abandonment.

7 I'm not sure you meet the grounds for neglect. The  
8 abuse that's alleged is likewise - - I mean all of them are  
9 kind of - - I mean, borderline at best. And so I don't know,  
10 were you planning to present an Order today requesting SIJ  
11 findings, or?

12 MS. COOLEY: Yes, Your Honor, I did have an Order  
13 prepared.

14 THE COURT: Let me see what you've got. Perhaps you can  
15 explain to me what's your theory.

16 MS. COOLEY: Your Honor?

17 THE COURT: Yes, counselor?

18 MS. COOLEY: It's based - he was not abused directly...

19 THE COURT: Right, right...

20 MS. COOLEY: ...his sister was and his Mom allowed the  
21 abuse to continue. His...

22 THE COURT: Well now, does his Affidavit indicate that he  
23 witnessed actual physical abuse? Because I'm a little bit  
24 confused. His Affidavit mentioned at one point in time that  
25 he never saw any physical abuse.

1 MS. COOLEY: He never saw the, the boyfriend abuse the Mom  
2 aside from pushing, but he did witness several times his Mom's  
3 boyfriend abuse his sister.

4 THE COURT: In what manner?

5 MS. COOLEY: By grabbing her and throwing her around on  
6 several occasions - more times than he can count.

7 THE COURT: And all this abuse took place?

8 MS. COOLEY: In the family home.

9 THE COURT: But not in the jurisdiction here?

10 MS. COOLEY: No, Your Honor. The abuse - - from what I'm  
11 aware, the abuse does not have to occur in Nevada. It usually  
12 occurs before the child arrives in the United States. The  
13 abuse that he had...

14 THE COURT: Well, I get...

15 MS. COOLEY: ... (Indiscernible).

16 THE COURT: ... that, but we're, we're proceeding under  
17 the - - the SIJ requires that I make findings, State Court  
18 findings of abuse, neglect, abandonment.

19 MS. COOLEY: Right, these re factual findings, not legal  
20 conclusions, Your Honor.

21 THE COURT: I got it. But - - I'll take this under  
22 advisement. I'll either sign it or return it to you with  
23 notes on it.

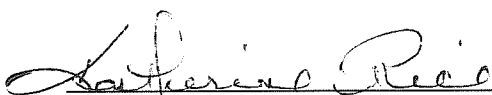
24 Did your Petition - - did you request - - am I  
25 missing something? Did you request an Estate?

1 MS. COOLEY: No, Your Honor.  
2 THE COURT: All right. You've got Estate language in your  
3 Order as well. About blocked accounts and summary  
4 administration.  
5 MS. COOLEY: I can submit an edited Order.  
6 THE COURT: Don't worry about it. All right. I'll take a  
7 look at the Affidavits again and see if it, if it satisfies.  
8 All right, thank you.  
9 MS. COOLEY: Thank you, Your Honor.  
10 THE CLERK: Can I get the Interpreter's name?  
11 MS. COOLEY: Patricia Tejeda, MBTP 500.  
12 THE CLERK: Thank you.

13 (THE PROCEEDING ENDED AT 9:13:28.)

14 \* \* \* \* \*

15 ATTEST: I do hereby certify that I have truly and  
16 correctly transcribed the video proceedings in the above-  
17 entitled case to the best of my ability.

18   
19 Katherine Rice  
20 Transcriber  
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