

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

MARIELA EDITH LOPEZ,
Appellant,

vs.

MANUEL DE JESUS SERBELLON
PORTILLO,
Respondent

No. 79549

Electronically Filed
Jan 13 2020 02:08 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
DOCKETING STATEMENT
CIVIL APPEALS

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. Id. Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department C
County Clark Judge Honorable Rebecca L. Burton
District Ct. Case No. D-18-565713-C

2. Attorney filing this docketing statement:

Attorney Ryan A. Hamilton Telephone 702-818-1818
Firm Hamilton Law
Address 5125 S. Durango, Suite C
Las Vegas, NV 89113

Client(s) Mariela Edith Lopez and Keokes Manuel Lopez

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney N/A Telephone _____
Firm _____
Address _____

Client(s) _____

Attorney N/A Telephone _____
Firm _____
Address _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Custody Decree denying</u> |

5. Does this appeal raise issues concerning any of the following?

special findings for special
immigrant juvenile status.

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None

8. Nature of the action. Briefly describe the nature of the action and the result below:

On February 8, 2018 Petitioners filed an action for the purpose of establishing special findings to support special immigrant juvenile status. Petitioners received a Custody Decree establishing sole custody, but denying special findings to support special immigrant juvenile status. Specifically, the District Court found that the father of the minor had abandoned the minor, but reunification may nonetheless be viable between father and son. Petitioners appeal the order denying special findings.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Whether reunification between a father and son is viable for purposes of the special immigrant juvenile (SIJ) statutes, 8 U.S.C. § 1101(a)(27)(J), where the District Court found that the father had abandoned the son under Nevada law.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

None.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Pursuant to NRAP 17(b)(5) the case should be assigned to the Court of Appeals.

14. Trial. If this action proceeded to trial, how many days did the trial last? N/A

Was it a bench or jury trial? N/A

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?

No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from July 31, 2019

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served September 11, 2019

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed August 30, 2019

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:
N/A

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

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:

The District Court's Custody Decree denying special findings for special immigrant juvenile status is a final judgment and is thus appealable under NRAP 3A(b)(1).

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

- 1) Mariela Edith Lopez, Appellant
- 2) K.M.L., minor

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

N/A.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Petitioner and minor seek an order granting special findings for special immigrant juvenile status.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:
N/A.

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):
N/A

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Mariela Edith Lopez

Name of appellant

Jan 13, 2020

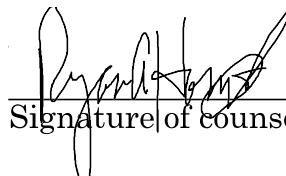
Date

Nevada, Clark County

State and county where signed

Ryan A. Hamilton

Name of counsel of record



Signature of counsel of record

CERTIFICATE OF SERVICE

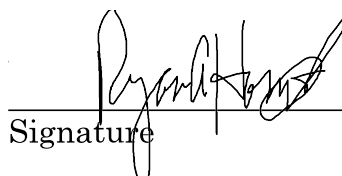
I certify that on the 13th day of January, 2020, I served a copy of this completed docketing statement upon all counsel of record:

- ☐ By personally serving it upon him/her; or
- ☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

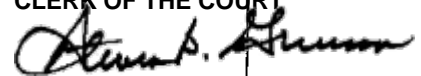
All parties and counsel of records:

Manuel de Jesus Serbellon Portillo, El Roasario, Departamento de La Paz, El Salvador

Dated this 13th day of January, 2020



Signature



Sarah I. Perez, Esq.
Nevada Bar No.: 12628
Hamilton Law
5125 S. Durango Dr., Ste C
Las Vegas, Nevada 89113
(702) 818-1818
sarah@hamlegal.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIELA EDITH LOPEZ,
Plaintiff,

vs.

MANUEL DE JESUS SERBELLON
PORTILLO,

Defendant.

Case No: D-18-565713-C
Dept. No.: C

COMPLAINT TO ESTABLISH CUSTODY, VISITATION AND CHILD SUPPORT

COMES NOW Plaintiff, MARIELA EDITH LOPEZ, by and through her attorney SARAH I. PEREZ, ESQ., as and for a Complaint to Establish Custody, Visitation and Child Support against Defendant, and alleges as follows:

1. That Plaintiff, for a period of more than six weeks immediately preceding the filing of this action, has been and now is an actual, bona fide resident of the State of Nevada, County of Clark, and has been actually physically present and domiciled in Nevada for more than six (6) weeks prior to the filing of this action.

2. That Defendant is a resident of the Country of El Salvador.

3. That the parties have a minor child, the issue of this relationship, to wit: KEOKES MANUEL LOPEZ, born May 31, 2007. The habitual residence of the child has been the State of Nevada since December 2016.

4. That the parties were never married.

1 5. That the Paternity of the minor child, to wit: KEOKES MANUEL LOPEZ, is not
2 at issue.

3 6. That no Court has ever issued an order regarding the custody or visitation of the
4 minor child.

5 8. That the Plaintiff is a fit and proper person to be awarded Sole Legal Custody of
6 the minor child.

7 9. That the Plaintiff is a fit and proper person to be awarded Sole Physical Custody
8 of the minor child. Due to the Father's abandonment of the child, it is not in the best interest of
9 the child to award Defendant either joint or primary physical custody.

10 10. That pursuant to EDCR 5.07, Plaintiff and Defendant shall each successfully
11 complete the Trans parenting Class within 45 days of service of the initial complaint or petition
12 upon Defendant, and that no action shall proceed to final hearing until a notice of completion of
13 the class has been filed with the court, provided that noncompliance by a parent who does not
14 enter an appearance shall not delay a final hearing.

15 11. That Defendant should pay child support in the amount of \$100.00 per month per
16 child as the statutory minimum, for a monthly total amount of \$100.00 and is in compliance with
17 NRS 125B.070. It is unknown if Defendant is employed, Plaintiff reserves the right to amend the
18 amount of child support in the event it is determined that Defendant is employed.

19 12. Pursuant to NRS 125.510, this amount should continue until the minor child
20 reaches 18 years of age if no longer in high school, or if the child is still enrolled in high school,
21 when the child reaches 19 years of age, or becomes emancipated or otherwise self-supporting.

22 13. That Defendant pay child support from May 2007, the date the Defendant seized
23 to provide support for the child, pursuant to NRS 125B.050 and that this amount be reduced to
24 judgment.

25 14. That Plaintiff should maintain medical and dental insurance for the minor child, if
26 available at a reasonable cost. Any unreimbursed medical, dental, optical, orthodontic or other
27 health related expenses incurred for the benefit of the minor child is to be divided equally
28 between the parties.

16. That the child came to be with his mother in the United States trying to escape violence in El Salvador.

17. That it is not in the child's best interest to be returned to his country of origin because he has no one to care for him in El Salvador.

18. That it is not in the child's best interest to be returned to his country of origin because his life is at risk if he returns.

WHEREFORE, Plaintiff prays as follows:

1. That the Court enter an order awarding custody and visitation as requested in this Complaint.
2. That the Court enter an order awarding child support as stated in this Complaint.
3. That the Court enter an order regarding medical and dental insurance coverage and the payment of unreimbursed medical expenses for the minor child as stated in the Complaint.
4. That the Court make Special Findings for Special Immigrant Juvenile Status.
5. That the Court find that the child has been abandoned by the Defendant.
6. That the Court find that it is not in the best interest of the child to return to his home country.
7. For such other and further relief as the Court finds to be just and proper.

DATED this 8th day of February 2018.

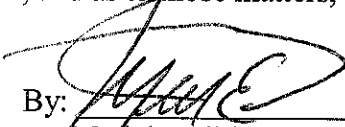
HAMILTON LAW

By ~~_____
SARAH I. PEREZ, ESQ.
Nevada Bar No.: 12628
5125 S. Durango Dr., Ste C
Las Vegas, Nevada 89113
(702) 818-1818
Attorney for Petitioner~~

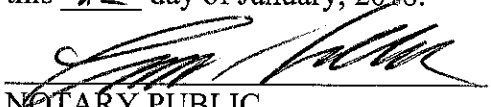
1
2
3 **VERIFICATION**

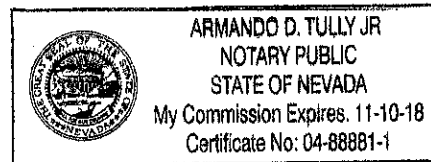
4 STATE OF NEVADA)
5) ss:
6 COUNTY OF CLARK)

7 Mariela Edith Lopez, under penalties of perjury, being first duly sworn, deposes and says:
8 That I am a Petitioner in the above-entitled action; that I have read the foregoing Petition
9 know the contents thereof; that the same is true of my own knowledge, except for those matters
10 therein contained stated upon information and belief, and as to those matters, she believes them
11 to be true.

12 By: 
13 Mariela Edith Lopez

14 SUBSCRIBED and SWORN before me
15 this 22 day of January, 2018.

16 
17 NOTARY PUBLIC



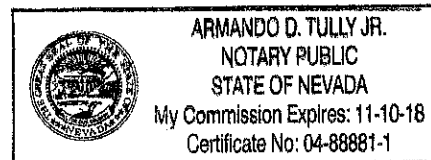
18 **ACKNOWLEDGMENT**

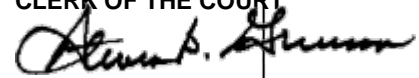
19 STATE OF NEVADA)
20) ss:
21 COUNTY OF CLARK)

22 On this 22 day of January, 2018, before me, the undersigned Notary Public in and for
23 the said County and State, personally appeared Mariela Edith Lopez, known to me to be the
24 person described in and who executed the foregoing Petition for Custody, and who
25 acknowledged to me that she did so freely and voluntary and for the uses and purposes therein
26 mentioned.

27 WITNESS my hand and official seal.

28 
NOTARY PUBLIC





SARAH I. PEREZ, ESQ.
Nevada Bar No.: 12628
HAMILTON LAW
5125 S. Durango Dr., Ste C
Las Vegas, Nevada 89113
(702) 818-1818
sarah@hamlegal.com
Attorney for Petitioner

**DISTRICT COURT
CLARK COUNTY, NEVADA**

MARIELA EDITH LOPEZ,

Case No.: D-18-565713-C

Plaintiff,

Dept. No.: C

vs.

MANUEL DE JESUS SERBELLON

PORTILLO,

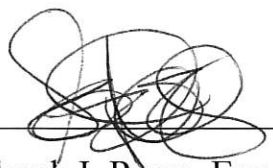
Defendant.

NOTICE OF ENTRY OF ORDER / JUDGMENT

PLEASE TAKE NOTICE that an Order and/or Judgment was entered in this matter on July 31, 2019. A true and accurate copy is attached hereto.

DATED this 11th day of September 2019.

By


Sarah I. Perez, Esq.

CERTIFICATE OF MAILING




I, Jessica Chavez, declare under penalty of perjury under the law of the State of Nevada that I served this Notice of Entry of Order/Judgment on September 11, 2019, by depositing a copy in the U.S. mail in Las Vegas, Nevada, postage prepaid, addressed to:

1. Manuel de Jesus Serbellon Portillo, El Rosario, Departamento de La Paz, El Salvador;

Signature: 

Name: Jessica Chavez

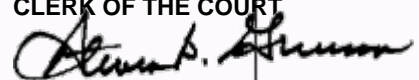
CN22 - CUSTOMS DECLARATION			
Origin Post: US Postal Service		Date of Mailing: 09/11/2019	
Category of Item: Documents			
AES/ITN/Exemptions: NOEEI 30.37(a)			
Detailed descriptions of contents: Documents			
Qty.	Wgt (lb/oz)	Value (US \$)	HS Tariff Number; Origin Country
1	0 1.0	0.01	US
1	0 3.0	0.01	TOTAL
I certify the particulars given in this customs declaration are correct. This form does not contain any undeclared dangerous articles, or articles prohibited by Legislation or by postal or customs regulations. I have met all applicable export filing requirements under federal law and regulations.			
Sender's Signature and Date HAMILTON LAW 09/11/2019			

FROM 7028181818 MID: 969000940 HAMILTON LAW 5125 S DURANGO DR. LAS VEGAS NV 89113	\$4.06 US POSTAGE FIRST-CLASS MAIL INTL 082S0009884279 RETAIL 	stamps endicia FROM 89113 09/11/2019
TO Manuel de Jesus Serbellon Portillo EL ROSARIO DEPARTAMENTO DE LA PAZ EL SALVADOR		
702-818-1818 0.2lbs 		
 UA 432 448 388 US		

PS Form 2976 (March 2015)

Do not duplicate this form without USPS approval.

The item may be opened officially.



Sarah I. Perez, Esq.
Nevada Bar No.: 12628
Hamilton Law
5125 S. Durango Dr., Ste C
Las Vegas, Nevada 89113
(702) 818-1818
sarah@hamlegal.com
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

MARIELA EDITH LOPEZ,	}	Case No: D-18-565713-C
Plaintiff,		Dept. No.: C
MANUEL DE JESUS SERBELLON		
PORTILLO,		
Defendant.		

CUSTODY DECREE

This Decree is submitted after a hearing that occurred on June 12, 2019 before the above-entitled court, and after a review of the pleadings and papers on file and the testimony given, if any, this Court finds pursuant to NRS 125C.001 through 125C.250, inclusive, as follows:

1. That Plaintiff, for a period of more than six weeks immediately preceding the filing of the Complaint, has been and now is an actual, bona fide resident of the State of Nevada, County of Clark, and has been actually physically present and domiciled in Nevada for more than six (6) weeks prior to the filing of the Complaint.
2. That Defendant is a resident of the country of El Salvador.
3. That the parties have one minor child, the issue of this relationship, to wit: Keokes Manuel Lopez, born on May 31, 2007. The habitual residence of the child has been the State of Nevada since December 2016.
4. That the parties were never married.

- 1 5. That the paternity of the minor child, to wit: Keokes Manuel Lopez, is not at
2 issue.
- 3 6. That no Court has ever issued an order regarding the custody or visitation of
4 the minor child.
- 5 7. That the Plaintiff is a fit and proper person to be awarded Sole Legal
6 Custody of the minor child.
- 7 8. That the child's natural father has abandoned the child as defined by NRS
8 128.014. That the father has not been present in the child's life and has never
9 provided food, shelter, or financial support.
- 10 9. That it is not in the best interest of the child to award Defendant either joint
11 or primary physical custody.
- 12 10. That this Court is unable to find that reunification is not viable due to
13 abandonment because this Court is unable to predict whether the father will
14 seek to reunify with the child some time in the future.
- 15 11. That it is in the best interest of the minor
16 child that he reside with Plaintiff/Mom.
17 *GA*
- 18 12. That pursuant to EDCR 5.07, Plaintiff and Defendant shall each shall
19 successfully complete the Transparenting Class within 45 days of service of
20 the initial complaint upon the Defendant, and that no action shall proceed to
21 final hearing until a notice of completion or the class has been filed with the
22 court, provided the noncompliance by a parent who does not enter an
23 appearance shall not delay a final hearing.
- 24 13. That child support cannot be awarded at this time because the biological
25 father resides outside of the jurisdiction of this Court.
- 26 14. That Plaintiff should maintain medical and dental insurance for the minor
27 child, if available at a reasonable cost. Any unreimbursed medical, dental,
28

1 optical, orthodontic or other health related expenses incurred for the benefit
2 of the minor child is to be divided equally between the parties.

3 NOW THEREFORE, IT IS HEREBY ORDERED that sole legal and
4 physical custody is GRANTED to Plaintiff as requested in the Complaint.
5 IT IS FURTHER ORDERED that medical and dental insurance coverage
6 and the payment of unreimbursed medical expenses for the minor child is
7 GRANTED as requested in the Complaint.

8
9 IT IS HEREBY ORDERED that the Plaintiff's Custody Decree is
10 GRANTED.

11 DATED this 16 day of June, 2019.

12
13 

14 DISTRICT COURT JUDGE
15 REBECCA L. BURTON ~~A~~

16 Respectfully Submitted:

17 HAMILTON LAW

18
19 By: 

20 SARAH I. PEREZ, ESQ.
21 Nevada Bar No.: 12628
22 5125 S. Durango Dr., Ste C
Las Vegas, Nevada 89113
(702) 818-1818
Attorney for Petitioner

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1 must be in an amount determined by the court and may be used
2 only to pay for the cost of locating the child and returning the
3 child to his or her habitual residence if the child is wrongfully
4 removed from or concealed outside the country of habitual
5 residence. The fact that a parent has significant commitments in
6 a foreign country does not create a presumption that the parent
7 poses an imminent risk of wrongfully removing or concealing
8 the child.

9 NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.006:

10 1. If PRIMARY PHYSICAL CUSTODY has been established
11 pursuant to an order, judgment or decree of a court and the
12 custodial parent intends to relocate his or her residence to a
13 place outside of this State or to a place within this State that is at
14 such a distance that would substantially impair the ability of the
15 other parent to maintain a meaningful relationship with the
16 child, and the custodial parent desires to take the child with him
17 or her, the custodial parent shall, before relocating:

18 (a) Attempt to obtain the written consent of the
19 noncustodial parent to relocate with the child; and

20 (b) If the noncustodial parent refuses to give that
21 consent, petition the court for permission to relocate with the
22 child.

23 2. The court may award reasonable attorney's fees and
24 costs to the custodial parent if the court finds that the
25 noncustodial parent refused to consent to the custodial parent's
26 relocation with the child:

27 (a) Without having reasonable grounds for such
28 refusal; or

29 (b) For the purpose of harassing the custodial
30 parent.

31 3. A parent who relocates with a child pursuant to this
32 section without the written consent of the noncustodial parent
33 or the permission of the court is subject to the provisions of NRS
34 200.359

35 ////

1 NOTICE IS HEREBY GIVEN that, pursuant to NRS 125C.0065:

2 1. If JOINT PHYSICAL CUSTODY has been established
3 pursuant to an order, judgment or decree of a court and one
4 parent intends to relocate his or her residence to a place outside
5 of this State or to a place within this State that is at such a
6 distance that would substantially impair the ability of the other
7 parent to maintain a meaningful relationship with the child, and
8 the relocating parent desires to take the child with him or her,
9 the relocating parent shall, before relocating:

10 (a) Attempt to obtain the written consent of the non-
11 relocating parent to relocate with the child; and

12 (b) If the non-relocating parent refuses to give that
13 consent, petition the court for primary physical custody for the
14 purpose of relocating.

15 2. The court may award reasonable attorney's fees and
16 costs to the relocating parent if the court finds that the non-
17 relocating parent refused to consent to the relocating parent's
18 relocation with the child:

19 (a) Without having reasonable grounds for such
20 refusal; or

21 (b) For the purpose of harassing the relocating
parent.

3. A parent who relocates with a child pursuant to this
section before the court enters an order granting the parent
primary physical custody of the child and permission to relocate
with the child is subject to the provisions of NRS 200.359