

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

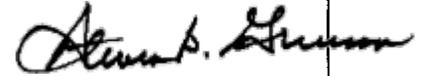
APPELLANT'S APPENDIX

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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1 **PAG**

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

3 Nevada Bar No. 13467

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

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6 Las Vegas, NV 89101

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10 *Attorney for Lucia Aguilar 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: 07/31/2001

17 A protected minor.

18 Case No: G-19-051011-M

19 Dept. No: Department M

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

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

28 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

16 11. Lucia expects Bryan will need the guardianship to continue until he turns twenty-
17 one-years-old. Bryan is new to the country, is in high school, and does not have a job or other
18 means to support himself. Accordingly, Lucia requests the guardianship continue until Bryan's
19 twenty-first birthday on July 31, 2022, pursuant to Nev. Rev. Stat. §§ 159.191 and 159.1905(2).
20

21 12. That Lucia is not a private professional guardian and is not currently receiving
22 compensation for services as a guardian.
23

24 13. That Lucia has never been convicted of a felony; nor has she been judicially
25 determined to have committed abuse, neglect, or exploitation of a child, spouse, parent, or other
26 person.
27

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

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 //

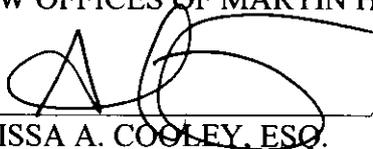
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25 //

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 9th day of January, 2019

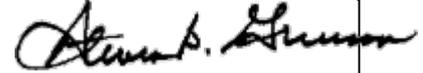
LAW OFFICES OF MARTIN HART, LLC



6 ALISSA A. COOLEY, ESQ.
7 Nevada Bar No. 13467
8 526 South 7th Street
9 Las Vegas, NV 89101

EXHIBIT 1

Relative's Name	Relationship to Bryan Ariel Aguilar Rivas	Address of Relative
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



1 **CONS**

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

3 Nevada Bar No. 13467

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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:

15 Bryan Ariel Aguilar Rivas

16 DOB: 07/31/2001

17 A protected minor.

18 Case No: G-19-051011-M

19 Dept. No: Department M

20 **CONSENT AND WAIVER**

21 I, Bryan Ariel Aguilar Rivas, hereby declare:

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

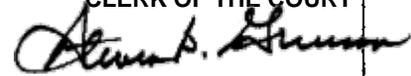
24 2. That is it my desire that my aunt, LUCIA AGUILAR AGUILAR, be appointed as
25 my legal guardian;

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

28 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.

29 
30 _____
31 Bryan Ariel Aguilar Rivas



1 **CONS**

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

3 Nevada Bar No. 13467

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

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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.

18 Case No: G-19-051011-M

19 Dept. No: Department M

20 **CONSENT AND WAIVER**

21 I, Mayrin Aguilar, hereby declare:

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

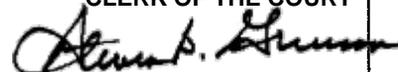
24 2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal
25 guardian of my brother, BRYAN ARIEL AGUILAR RIVAS;

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

28 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

29 
30 _____
31 Mayrin Aguilar



1 **CONS**

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

3 Nevada Bar No. 13467

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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.

18 Case No: G-19-051011-M

19 Dept. No: Department M

20 **CONSENT AND WAIVER**

21 I, Abigail Aguilar, hereby declare:

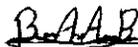
22 1. That I am the sister of the proposed protected minor, BRYAN ARIEL AGUILAR
23 RIVAS, who is the subject of the above-captioned guardianship matter. I am twenty-years-old;

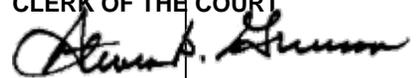
24 2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal
25 guardian of my brother, BRYAN ARIEL AGUILAR RIVAS;

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

28 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


Abigail Aguilar



1 **CONS**

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

3 Nevada Bar No. 13467

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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.

18 Case No: G-19-051011-M

19 Dept. No: Department M

20 **CONSENT AND WAIVER**

21 I, Rosario Aguilar, hereby declare:

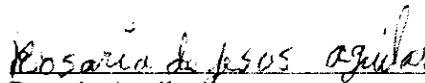
22 1. That I am the paternal grandmother of the proposed protected minor, BRYAN
23 ARIEL AGUILAR RIVAS, who is the subject of the above-captioned guardianship matter;

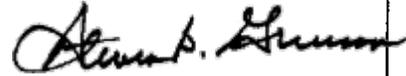
24 2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal
25 guardian of my grandson, BRYAN ARIEL AGUILAR RIVAS;

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

28 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

29 
30 Rosario Aguilar



1 **CONS**

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

3 Nevada Bar No. 13467

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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:

Case No: G-19-051011-M

Dept. No: Department M

15 Bryan Ariel Aguilar Rivas

16 DOB: July 31, 2001

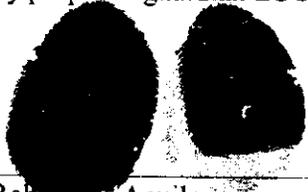
17 A minor.

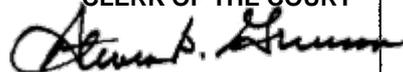
18 **CONSENT AND WAIVER**

19 I, Roberto S. Aguilar, hereby declare:

- 20 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;
- 21 2. That is it my desire that LUCIA MARLENY AGUILAR be appointed as legal guardian of my grandson, BRYAN ARIEL AGUILAR RIVAS;
- 22 3. That I fully and freely consent to having LUCIA MARLENY AGUILAR appointed as legal Guardian of BRYAN ARIEL AGUILAR RIVAS; and,
- 23 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.

24 DATED this 28 day of December, 2018

25 
26 Roberto S. Aguilar



1 **CONS**

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

3 Nevada Bar No. 13467

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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.

18 Case No: G-19-051011-M

19 Dept. No: Department M

20 **CONSENT AND WAIVER**

21 I, Rogelio Rivas, hereby declare:

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

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

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

28 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

29 R R E
30 Rogelio Rivas

Alissa A. Cooley
CLERK OF THE COURT

CITA

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: 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.

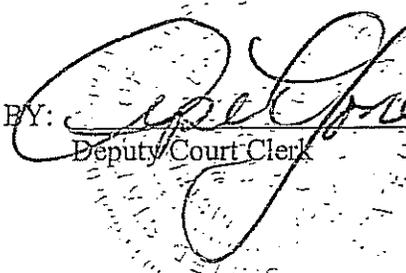
5 NOTE: The proposed protected minor and proposed Guardian must appear at the
6 scheduled hearing; all other interested parties do not need to appear unless they wish to oppose
7 the guardianship and enter an objection.
8

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

10
11 The 30th 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.

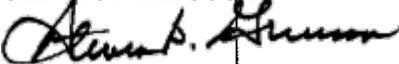
16 CLERK OF COURT

17
18 BY: 

19 Deputy Court Clerk



20
21
22
23
24
25
26
27
28
JAN 10 2019



CERT
ALISSA A. COOLEY, ESQ.
Nevada Bar No. 13467
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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.

CERTIFICATE OF MAILING

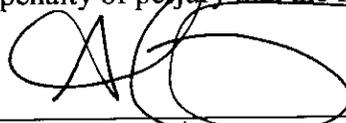
I hereby certify that on the 11th day of January, 2019, I mailed a true and correct copy of
the PETITION FOR THE APPOINTMENT OF GUARDIAN and CITATION via international
registered mail to the following addresses:

Jesus Vidal Aguilar
3311 Fico Avenue
Las Vegas, NV 89141

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

//
//

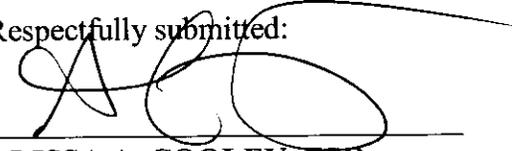
1 Per Nev. Rev. Stat. § 53.045, I declare under penalty of perjury that the foregoing is true
2 and correct.



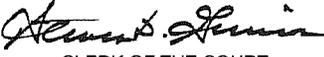
3 Employee, Law Offices of Martin Hart, LLC

4 Respectfully submitted:

5 By:



6 **ALISSA A. COOLEY, ESQ.**
7 Nevada Bar No. 13467
8 526 South 7th Street
9 Las Vegas, NV 89101


CLERK OF THE COURT

1 **PAG**

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

3 Nevada Bar No. 13467

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6 Las Vegas, NV 89101

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10 *Attorney for Lucia Aguilar Aguilar*

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

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17 A protected minor.

18 Case No:
19 Dept. No:

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

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

24 COMES NOW, Petitioner and Proposed Guardian, LUCIA AGUILAR AGUILAR, by
25 and through her attorney, ALISSA A. COOLEY, ESQ., of the LAW OFFICES OF MARTIN
26 HART, LLC, and respectfully petitions this Court to appoint LUCIA AGUILAR AGUILAR
27 ("Lucia") as Guardian of the person of proposed protected minor BRYAN ARIEL AGUILAR
28 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.

4 3. That the names and last known addresses of the relatives of the proposed ward
5 within the second degree of consanguinity are attached hereto as Exhibit 1.
6

7 4. That Lucia's full legal name is Lucia Marleny Aguilar Aguilar. Lucia currently
8 resides at 8157 Chambersberg Street, Las Vegas, NV 89147; her mailing address is the same.

9 Lucia's date of birth is June 30, 1969. A true and correct copy of her identification is attached to
10 the Confidential Information Sheet lodged with the Court concurrently herewith.
11

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

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

16 7. That the proposed guardian, Lucia Aguilar Aguilar, is Bryan's paternal aunt.
17

18 8. That the reasons for the proposed guardianship are as follows: Bryan fled El
19 Salvador by himself on June 9, 2018. While his father resides in Las Vegas, immigration
20 officials released Bryan into the custody and care of his paternal aunt, Lucia. Lucia is a U.S.
21 citizen while his father is undocumented. Lucia signed a sponsor agreement with the Office of
22 Refugee Resettlement, wherein she agreed to care for Bryan and ensure he attends all court
23 proceedings. Further, his father does not have space for Bryan to live; he would have to sleep in
24 the living room instead of in a bedroom. Lucia has assumed responsibility for and care of Bryan
25 since his arrival to Las Vegas in August 2018. Bryan is in the tenth grade at Global Community
26 High School, does not have employment, and relies on his family for food, clothing, shelter, and
27
28

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

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

6
7 18. That a guardianship pursuant to NRS Chapter 159 is in the best interest of Bryan
8 because he has no other family member who is able to support him until he is able to care for
9 himself. Lucia is a U.S. citizen and has taken responsibility of and care for Bryan since his
10 release from a foster care facility in August 2018. His father, while in Las Vegas, is not able to
11 care for him as thoroughly and stably as Lucia. Bryan requires this Court to appoint Lucia as his
12 legal guardian so that she can continue to ensure his educational, medical, and legal needs met
13 without interruption until he is able to care for himself.

14
15 19. Petitioner respectfully requests that bond in this matter be waived.

16
17 WHEREFORE, Petitioner prays that this general guardianship be granted without
18 issuance of a citation and for such other and further relief as the court may deem just and proper.

19 DATED this 30th 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

EXHIBIT 1

Relative's Name	Relationship to Bryan Ariel Aguilar Rivas	Address of Relative
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

Thomas J. Hume
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.

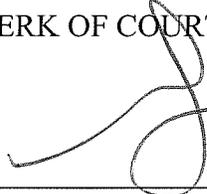
5 NOTE: The proposed protected minor and proposed Guardian must appear at the
6 scheduled hearing; all other interested parties do not need to appear unless they wish to oppose
7 the guardianship and enter an objection.
8

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

10
11 The 27th day of March, 2019, at the hour of 9:00am
12 in Department M of the RJC

13
14 DATED this 27th day of February, 2019.

15
16 CLERK OF COURT

17
18 BY: 

19 Deputy Court Clerk



Electronically Filed
02/27/2019

Andrew J. Lewis
CLERK OF THE COURT

1 MOT

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

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

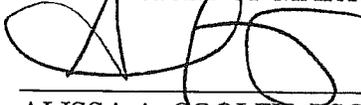
15 Bryan Ariel Aguilar Rivas
16 DOB: 07/31/2001
17 A protected minor.

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

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

28 DATED this 26th 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 27th 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 26th 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

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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.
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24 Nevada recently codified 8 U.S. C. § 1107(a)(27)(iii), via State Assembly Bill 142, that
25 went into effect on October 1, 2017. *See* NRS 3.2203. Further, the Nevada Supreme Court
26 recently entered an unpublished order in which it found that even without the recent codification
27 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.

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

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.*
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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
15
16 Marta did not have employment and instead remained in the home. *Id.* at ¶ 5. Bryan's
17 grandfather grew corn for the family to eat. *Id.* Bryan's father sent him money to his paternal
18 grandma and Bryan would pick it up. *Id.* Bryan's father would send \$50 randomly throughout
19 the month. *Id.* If his father did not send money, Bryan would not have enough food to eat or have
20 money for school supplies and books. *Id.* Even with the money his father spent, there were
21 times Bryan still went without enough food. *Id.* He and his siblings would ration their food or
22 sometimes, they had nothing to eat at all. *Id.* In 2017, Bryan stopped going to school during the
23 week so he could help his grandfather farm corn to feed the family. *Id.* at ¶ 7. Bryan helped his
24 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 III. LEGAL ARGUMENT

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24
25
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

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

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

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

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

10 8 U.S.C. § 1101(a)(27)(J) (2006, supp. 2009); NRS 3.2203(a)-(c). Each of these criteria is met
11 in this case.

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

13 Federal regulations define a juvenile court as "a court located in the United States having
14 jurisdiction under State law to make judicial determinations about the custody and care of
15 juveniles." 8 C.F.R. § 204.11(a) (2009). The Family Court Division of the Eighth Judicial
16 District Court of Nevada is a juvenile court because it is authorized to make custody and care
17 determinations in Nevada. *See Alvarado-Ramirez*, No. 74030, at *4 (citing NRS 3.2203, "the
18 family court division has original and exclusive jurisdiction over matters affecting the familial
19 unit including divorce, custody, marriage contracts, community and separate property, child
20 support, parental rights, guardianship, and adoption."). Further, the Nevada Legislature
21 acknowledged this general jurisdiction of the District Court in Nev. Rev. Stat. § 3.2203 when it
22 dropped the term "juvenile" from the first prong of its adaptation of the SIJS statute. *Compare* 8
23 U.S.C. § 1101(a)(27)(J), *with* NRS 3.2203(3)(a). This Court has undertaken jurisdiction to
24 consider whether to appoint Lucia as legal guardian of Bryan's person. Thus the request for
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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 negligent treatment or maltreatment as set forth in NRS 432B.140, of a
25 child caused or allowed by a person responsible for the welfare of the child
26 under circumstances which indicate that the child's health or welfare is
27 harmed or threatened with harm...

28 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
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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
28

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 20th 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

Heather S. Garcia
CLERK OF THE COURT

1 DECL

2 ALISSA A. COOLEY, ESQ.

3 Nevada Bar No. 13467

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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:

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

18 Case No:

19 Dept. No:

G-19-051011-M

Dept: M

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

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

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

28 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.
7

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.
25
26
27
28

Andrew J. Linn
CLERK OF THE COURT

1 DECL

2 ALISSA A. COOLEY, ESQ.

3 Nevada Bar No. 13467

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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:

15 Bryan Ariel Aguilar Rivas

16 DOB: 07/31/2001

17 A protected minor.

18 Case No:

19 Dept. No:

G-19-051011-M

Dept: M

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

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

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

27 2. Starting when I was thirteen-years-old, my mom got a boyfriend. He lived with
28 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.
8

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.
15

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.
24

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

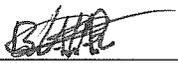
1 house to pick it up because we lived close. He sent \$50 every time. There wasn't a set time he
2 would send it, like every week. It was random. If he didn't send the money, we wouldn't have
3 enough money to eat or for school supplies, like books and things for projects. Even with his
4 money, I didn't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

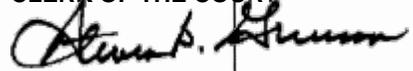
6
7 6. My school was about forty-five to sixty minutes away from house by walking. I
8 took the bus but sometimes I had to walk. I had to leave for school at 7:00 a.m. and would get
9 out of school at 3:30 p.m. It was very dangerous in my area. There was a lot of delinquency.
10 The MS-13 gang was in 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
22
23
24
25
26
27
28



1 **CERT**

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

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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 **CERTIFICATE OF MAILING**

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

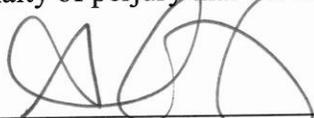
23 Jesus Vidal Aguilar
24 3311 Fico Avenue
25 Las Vegas, NV 89141

26 Maria Marta Rivas
27 Caserio Los Rivas
28 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.

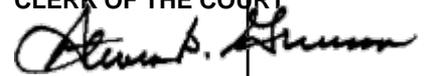


Employee, Law Offices of Martin Hart, LLC

3 Respectfully submitted:

4
5 By: 

6 **ALISSA A. COOLEY, ESQ.**
7 Nevada Bar No. 13467
8 526 South 7th Street
9 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:

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).

Settled / Withdrawn: <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 Bench (Non-Jury) Trials: <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
4 ~~**IT IS FURTHER ORDERED** that no bond or blocked account will be required.~~ *WSP*

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

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

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

13
14 DATED this 27th day of March 2019.



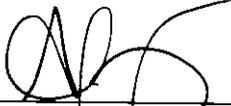
DISTRICT COURT JUDGE

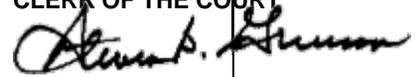
WILLIAM S. POTTER

15
16
17 Respectfully submitted:

18
19 LAW OFFICES OF MARTIN HART, LLC

20
21 By: _____


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1 **NEO**
2 **ALISSA A. COOLEY, ESQ.**
3 Nevada Bar No. 13467
4 **LAW OFFICES OF MARTIN HART, LLC**
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10 *Attorney for Lucia Aguilar 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: 07/31/2001
17 A protected minor.

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

20 **NOTICE OF ENTRY OF ORDER APPOINTING GUARDIAN**

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

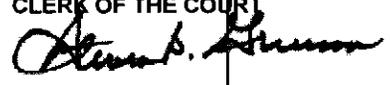
22 **PLEASE TAKE NOTICE** that an Order was duly entered in the above-referenced case
23 on the 27th day of March, 2019.

24 DATED this 27th day of March, 2019.

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

26 By: 

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



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Attorney for Lucia Aguilar Aguilar

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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the person:

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

Bryan Ariel Aguilar Rivas
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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
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<input type="checkbox"/> Settled / Withdrawn: <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 Bench (Non-Jury) Trials: <input type="checkbox"/> Disposed After Trial Start <input type="checkbox"/> Judgment Reached
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6 ~~and therefore no accounting is required.~~ *WSP*

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

10 **IT IS FURTHER ORDERED** that the Guardian mails a copy of this Order and Notice
11 of Entry of Order to those persons and care provides entitled to notice under Chapter 159 of the
12 Nevada Revised Statutes.
13

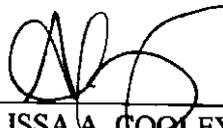
14 DATED this 27th day of March 2019.

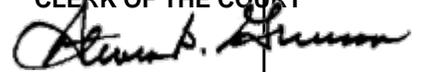

DISTRICT COURT JUDGE
WILLIAM S. POTTER

17 Respectfully submitted:

18
19 LAW OFFICES OF MARTIN HART, LLC

20
21 By:


ALISSA A. COOLEY, ESQ.
Nevada State Bar No. 13467
526 South 7th Street
Las Vegas, NV 89101
Telephone: (702) 380-4278
Facsimile: (702) 384-6006
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 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 **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 25 2019 JESSICA CASTILLO

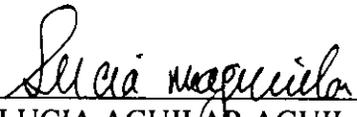
27 By:

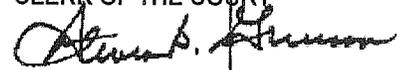
28 Deputy Clerk

1 **OATH**

2 I, LUCIA AGUILAR AGUILAR, residing at 8157 Chambersberg Street, Las Vegas,
3 NV 89147, whose mailing address is the same, solemnly affirm that I will faithfully perform
4 according to law the duties of Guardian and that any matters stated in any petition or paper filed
5 with the Court are true of my own knowledge or if any matters are stated on information or
6 belief, I believe them to be true.
7

8 I declare under penalty of perjury under the laws of the State of Nevada that the
9 foregoing is true and correct to the best of my knowledge and belief.
10

11 
12 _____
13 LUCIA AGUILAR AGUILAR, Guardian
14
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1 **GACK**
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 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

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

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

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

22 I, LUCIA AGUILAR AGUILAR, Guardian, hereby declare that I understand there are
23 certain duties and responsibilities required of me in the administration of the above guardianship.

24 By initialing each item below, I understand my guardianship duties and responsibilities include,
25 but are not limited to, the following:

26 **I. Required duties and functions:**

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

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

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

3 LMA

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

7 LMA

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

17 LMA

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

20 **II. Court Authority**

21 The undersigned hereby acknowledges and understands that in accordance with Nevada

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

23 LMA

24 Authorizing major medical or dental treatment.

25 LMA

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

28 LMA

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

power of appointment.

LMA

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

LMA

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

LMA

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:

LMA

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

LMA

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].

LMA

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

LMA

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.

LMA

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

LMIA

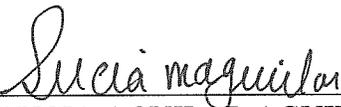
The undersigned understands that if he/she files for bankruptcy, he/she shall prepare and file a Petition and include that the Petitioner has filed for bankruptcy. He/she shall set the Petition on the court calendar for hearing and mail copies to all persons entitled under Nevada Revised Statutes to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

LMIA

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.

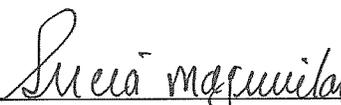
DATED this 30 day of January, 2019.



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.

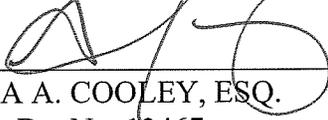
DATED this 30 day of January, 2019.



LUCIA AGUILAR AGUILAR

1 Respectfully submitted,

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

3 

4 ALISSA A. COOLEY, ESQ.

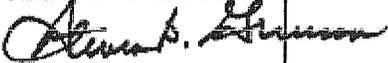
5 Nevada Bar No. 13467

6 526 South 7th Street

7 Las Vegas, NV 89101

8 Telephone: (702) 380-4278

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1 NEOJ

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

4

5

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

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

6

7

NOTICE OF ENTRY OF ORDER

8

9

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

10

11

12

Dated: This 28th day of March, 2019.

13

14


Judicial Executive Assistant
Department M

15

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
3311 Fico Ave.
Las Vegas, NV 89141**

22

23

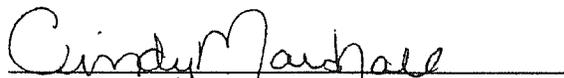
**Maria Marta Rivas
Jutiapa, Cabanas
El Salvador**

24

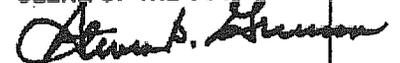
25

26

27


Judicial Executive Assistant
Department M

28



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

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

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

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

The Court finds that the allegations of poverty are insufficient, without greater detail¹, to support a finding of neglect.

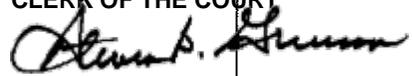
IT IS THEREFORE ORDERED that the petition for Special Immigrant Juvenile Status Findings (titled as a motion) is hereby denied without prejudice.

DATED this 28th day of March, 2019.



DISTRICT COURT JUDGE

¹ This Court would require very specific and detailed history of neglect if the sole basis for such neglect is a 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.



1 ASTA
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 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

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

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

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

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

24 LUCIA AGUILAR AGUILAR
25 Alissa A. Cooley, Esq.
26 Nevada Bar #013467
27 526 South 7th Street
28 Las Vegas, Nevada 89101
Telephone: (702) 380-4278
Facsimile: (702) 384-6006
associate@martinhartlaw.com

1. 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):

1 JESUS VIDAL AGUILAR

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

4 MARIA MARTA RIVAS

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

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

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

13 Retained.

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

15 Retained, low bono.

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

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

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

22 01/10/2019

23 Petition for Appointment of Guardian of the Person, Minor

24 Case No. G-19-051011-M

25 10. Provide a brief description of the nature of the action and result in the district court,
26 including type of judgment or order being appealed and the relief granted by the district court:
27
28

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 N/A.

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

13 N/A

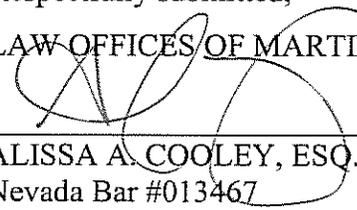
14 13. If this is a civil case, indicate whether this appeal involves the possibility of
15 settlement:
16

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

21 DATED this 17th day of April, 2019.

22 Respectfully submitted,

23 LAW OFFICES OF MARTIN HART LLC

24 By: 

25 ALISSA A. COOLEY, ESQ.

26 Nevada Bar #013467

27 526 South 7th Street

28 Las Vegas, NV 89101

CERTIFICATE OF SERVICE

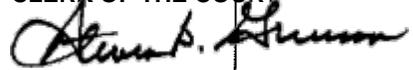
I hereby certify that a true and accurate copy of the foregoing CASE APPEAL STATEMENT was served on this 17th day of April, 2019, via U.S. mail to the following:

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

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

15 Bryan Ariel Aguilar Rivas

16 DOB: 07/31/2001

17 A protected minor.

18 Case No: G-19-051011-M

19 Dept. No: M

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 16th day of April, 2019.

25 LAW OFFICES OF MARTIN HART, LLC

26 By: 

27 ALISSA A. COOLEY, ESQ.

28 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 7th 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 & Johnson
CLERK OF COURT

ORIGINAL

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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

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 9th. Is that, is that the date when he came to, to
18 live with you in Nevada? August 9th? Yeah?

19 MS. COOLEY: August.

20 THE COURT: Yeah. So let's use that date, the 9th. 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.

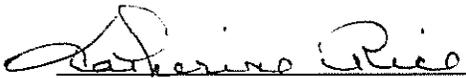
17 THE COURT: ... we'll get it. All right. Thank you.

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. Williams
CLERK OF COURT

COPY

EIGHTH JUDICIAL DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

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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 Tejada

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?

