

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

LYUDMYLA A. ABID, A/K/A  
LYUDMYLA PYANKOVSKA,

Appellant,

vs.

SEAN R. ABID,

Respondent.

S.C. Appeal No.: **80933**

D.C. No.: D-10-424830-Z

Dept. No.: S

**FILED**

JUL 06 2020

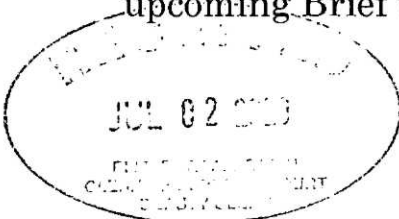
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *D. Richards*  
DEPUTY CLERK

**OPPOSITION TO MOTION FOR TRANSMITTAL OF CHILD  
PROTECTIVE SERVICE RECORDS**

NRPC 3.3 prohibits counsel from making false statements of fact to a court and imposes upon counsel a heightened duty to disclose to the court "all material facts known to the lawyer that will enable the tribunal to make an informed decision whether or not the facts are adverse."

The opposing counsel has a history of lying and misleading both lower and higher courts on so many occasions that it has become tiring.

This Appeal filed after lower court denied Appellant "Motion for Primary Physical custody" **not** "Motion to restore a joint custodial order" as it was stated by opposing Counsel John D Jones in his motion. Appellant brought to lower court's attention prima facie facts that should grant her motion for evidentiary hearing (it will be discussed in her upcoming Brief that is due on July 2, 2020 in this case).



20-24833

One of the prima facies facts that Appellant presented to lower court was "Parentification".

In its original motion to the Honorable judge Ochoa Appellant stated following **(ROA3142)**

"On August 1<sup>st</sup> 2019 during summer vacation, Sasha told Lyuda that he is babysitting his five years old brother Reed while his dad and step mom are at work. Sasha said that he is constantly worries if Reed hurts himself and that will get Sasha in trouble. Sasha is expecting to feed his brother, usually he is making peanut butter sandwich. He is not allowed to warm up food in microwave, he is not given prepared food to feed Reed but he is expected to make food for Reed.. Following week on Friday August 9<sup>th</sup> 2019 Sasha again informed mother that he was watching Reed Monday-Friday again more than 8 hours. Lyuda took Sasha to CPS to provide statement. CPS had interviewed Sasha the report will be provided to court.

Sasha has begun the process of becoming a parentified. This parentification of Sasha is causing and will cause in future significant and substantial impairment of Sasha emotional health and development now and in future"

To support the Parentification claim with legal argument, Appellant used a case where three psychologist explained the damage that can be cause by parentification **(ROA3156-3157):**

"In case *Mayo v. Mayo*, 2000 ND 204, ¶ 16, 619 N.W.2d 631; In re N.C.C., 2000 ND 129, ¶ 18, 612 N.W.2d 561). "A material change of circumstances can occur if a child's present environment may endanger the child's physical or emotional health or impair the child's emotional development." *Id.*

In *Mayo v. Mayo*, 2000 ND 204, ¶ 16, 619 N.W.2d 631; In re N.C.C., 2000 ND 129, ¶ 18, 612 N.W.2d 561). All three psychologists described parentification and its deleterious effects on a child. Dr. Ascano testified

parentification results in "pseudo-maturity," characterized by children acting very responsible and trying very hard to be good caretakers. The problem, Dr. Ascano testified, is parentified children minimize their own need to be nurtured because they are placed in the role of the caretaker, rather than the child. As a result, parentified children may develop significant relationship problems as adults. The parentification manifests itself in adulthood in one of two extreme ways. The first is codependency, which results when parentified children try to compensate for the lack of nurturing they received as children. The second is continuing the self-sacrificing role of the caretaker at the expense of their own emotional needs. According to Dr. Ascano, even if parentified children are nurtured in adult relationships, they may still be emotionally deprived because they do not understand how to receive affection. Parentified children always anticipate having to give affection and help to others, neglecting their own psychological emotional needs. In his written report, Dr. Ascano stated, "[p]erhaps the greatest loss experienced by a destructively parentified child is the loss of their childhood, although the bitterness, disappointment, depression, and other effects might not be realized until later in their life." *Id.*

Recently Sasha told his mom that watching Reed is very stressful for him. That he is constantly worries if Reed will accidentally hurt himself. Sasha is upset that him and Reed are only allowed to eat cold food such as peanut-butter sandwich when Sean and Angie are at work. When asked why he never called his mom since Angie gave him her phone, Sasha stated that he is in stress and can't call his mom.

Sasha is suffering from an excessive sense of responsibility for his sibling as a result of parentification, causing him significant anxiety about the well-being of his sibling Reed. Sasha is at high risk of suffering from the various problems resulting from parentification"

Later in her Reply to opposition to the modification of child custody, Appellant explained more in detail how CPS demanded Sean or Lyuda to

bring Sasha for an interview to verify that Sasha de facto was watching after his 5 years old sibling **(ROA3448-3449)** :

"It is important to remind opposing party that on Saturday February 4<sup>th</sup> 2012 Lyuda called Sean and told him that she is driving to her insurance agent to get a quote and that she will be gone literally for one hour while Iryna who was 11.5 years old stayed with Sasha at home.

Sean who was informed about it without telling Lyuda ran to her house and scared both kids by breaking into her home. According to police report **(see Exhibit E)** Sean was calling to CPS stating that it is abuse that 11 years old Iryna was left at home to watch her brother Sasha for period of one hour. Lyuda arrived home, there was physical interaction between parties and both kids have witnessed it, both kids cried. Lyuda refused to press charges for Sean trespassing her property, trying to defuse the conflict.

It is huge difference between event in 2012 year where Iryna was left at home with Sasha **for one hour** and today event when 10 years old Sasha was left at home for period of two weeks to babysit and take entire adult responsibility for his brother Reed while both Sean and step mother Angie were at work.

Lyuda had concern because to her knowledge Sasha will not eat food if she will not prepare meal and put plate for him on the table. How it is even possible that in other home Sasha is expected to act as parent for his brother. Sasha expressed severe anxiety to mom that he is constantly worries that something happens to Reed who does not listen to Sasha while he is babysitting him.

Lyuda called CPS and felt she was obligated to report it. CPS worker called Sean numerous times and asked him to bring Sasha to office for interview. Sean refused stating that CPS must stop calling him.

After Sean refused to communicate with CPS, it was demanded by CPS that **Lyuda must bring Sasha for interview to their office.**

Lyuda was not present during Sasha's interview but waited for him in hallway. It should be questionable for this court that these two events were handled by SEAN **so differently"**

On September 12, 2019, lower court issued order for CPS appearance and records. **(ROA3369)** Opposing counsel, again, intentionally mislead this court into believing that the lower court received possession of CPS records.

Nowhere in the record of this case had court informed parties about ever receiving CPS records, considering CPS records or giving opportunity to both parties to review them. Both orders, regarding the decision to deny change of custody, never mentioned such records again. John D Jones lied to this court stating that:

“The CPS records, which were relied upon by the District Court in denying Appellants’ motion, revealed a long-standing history of multiple false allegations to CPS”

The lower court did not consider the Appellant’s motions, containing evidence that constitutes prima facie facts that grant change in custody. In addition, the lower court did not consider CPS records, reports and the FMC child interview. Instead, the final Order denied reconsideration to change of custody. The lower court simply copied its minutes order that was written on February 13, 2020, which was issued prior to the commencement of the child interview.

CPS records can support the fact that Sasha was forced to take upon himself an adult’s responsibility and will directly support one of the change in circumstances that were presented to the lower court by the Appellant. It will be simply inappropriate for this court to review CPS records that **were never reviewed or admitted into the record by**

**lower court and in other words will violate Due Process of Appellant.**

Also to oppose Jones's statement Appellant asked lower court at minimum to restore her rights based on new discovered evidence that completely undermines previous ruling in this case. Evidence that shows that John D Jones, Dr Holland and his client are systematic liars. Evidence that minor child NEVER showed decrease to spend time with his father or was ever distressed.

For that reason, Appellant respectfully requests this Court to deny Respondent's motion to transmit a copy of the CPS records.

DATED this 30 day of June, 2020



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LYUDMYLA A. ABID, n/k/a  
LYUDMYLA A. PYNKOVSKA  
2167 Montana Pine Drive  
Henderson, NV 89052  
Phone: (702) 208-0633  
Email: lyuda2167@gmail.com


*Appellant appearing in Proper Person*

## **CERTIFICATE OF SERVICE**

I certify that on the 30 day of June, 2020, I served a copy of this Motion for Extension of Time to File Fast Track Statement upon all counsel of record by mailing it by first class mail with sufficient postage prepaid to the following address:

John Jones, Esq.  
10777 W. Twain Ave., #300  
Las Vegas, Nevada 89135  
Attorney for Respondent

DATED this 30 day of June, 2020

  
\_\_\_\_\_  
Appellant in proper person