

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD DAVID HARRIS,
Appellant,
vs.
JENNIFER FIGUEROA,
Respondent.

No. 81746

FILED

OCT 14 2020

ELIZABETH A. BECKEN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER REFERRING FOR PRO BONO COUNSEL

This is a pro se appeal from decree of custody. Having considered the notice of appeal, the documents transmitted by the district court and the docketing statement, this court has determined that the appointment of pro bono counsel to represent the parties would assist this court in reviewing this appeal. By this order, the court expresses no opinion as to the merits of this appeal.

Pro bono counsel is an attorney who provides legal services without charge for the benefit of the public good. The appointment of pro bono counsel provides attorneys with an opportunity to volunteer legal services in furtherance of their professional responsibility and, at the same time, allows financially eligible litigants access to quality legal representation without cost. Counsel will be appointed for purposes of this appeal only and will participate in oral argument. Currently, the Pro Bono Committee of the Appellate Litigation Section of the State Bar of Nevada (Pro Bono Committee), in conjunction with the Legal Aid Center of Southern Nevada, has developed a pro bono appellate program to assist the public and this court. This case is hereby referred to the program established by the Pro Bono Committee to evaluate whether appellant and respondent can benefit from the program.

Accordingly, the clerk of this court shall transmit a copy of this order and the attached case summary and district court order to the Legal Aid Center of Southern Nevada for financial eligibility screening. If appellant and respondent qualify and do not object to pro bono counsel, the Legal Aid Center in cooperation with the Pro Bono Committee shall locate volunteer attorneys from the program to represent appellant and respondent. Once attorneys are located, those attorneys shall each file a notice of appearance in this court within 60 days from the date of this order. Briefing and oral argument will be scheduled thereafter. Alternatively, if appellant and/or respondent are not financially eligible or object to pro bono representation, or if volunteer attorneys cannot be located, the Legal Aid Center of Southern Nevada shall notify this court in writing within 60 days from the date of this order. In such case, oral argument will not be held. The briefing schedule in this appeal is suspended pending further order of this court.

It is so ORDERED.

Pickering, C.J.

cc: Ronald David Harris
Jennifer Figueroa
Legal Aid Center of Southern Nevada, Barbara E. Buckley,
Executive Director
Anne R. Traum, Coordinator Appellate Litigation Section, Pro Bono
Committee, State Bar of Nevada
Kelly Dove

Docket No. 81746, Harris v. Figueroa

Appellant and respondent share four minor children. The district court entered a custody decree awarding respondent sole legal and physical custody. Appellant, who is incarcerated in Tennessee, asserts that this award modified custody and was not warranted. He also contends that he was not notified of the hearing in this matter. Appellant states he challenges only the portion of the order awarding sole legal custody to respondent.



1 DECC

2 Your Name: Jennifer Figueroa

3 Address: 3874 Calle De Este

4 City, State, Zip: Las Vegas NV 89121

5 Phone: 702-412-2617

6 Email: jennfig1976@gmail.com

7 Self-Represented

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Jennifer Figueroa

Plaintiff,

vs.

Ronald David Harris #584414

Defendant.

CASE NO.: D-20-606828-C

DEPT: N

DATE OF HEARING: _____

TIME OF HEARING: _____

CUSTODY DECREE

This Decree was submitted (☒ *check one*) ☒ after a hearing ☐ without a hearing before the above-entitled court, and after a review of the pleadings and papers on file and the testimony given, if any, this Court finds as follows:

1. That Plaintiff or Defendant is now and has been an actual bona fide resident of the State of Nevada and has been actually domiciled in the State of Nevada for more than six weeks immediately prior to the commencement of this action.
2. That Plaintiff and Defendant have (*number*) 4 minor children in common:

Child's Name:	Date of Birth
Isabelle Harris	02/25/2007
Reagan Harris	09/19/2009
Julian Harris	09/19/2009
River Harris	10/13/2011

1 3. **Child Residency.** (☒ *check one*)

- 2 ☒ The children are residents of Nevada and have lived here for at least the past 6
3 months. Nevada is the habitual residence of the child, and this Court has the
4 necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.
5 ☐ The children are not residents of Nevada or have not lived here for at least the
6 past 6 months. The children live in (state) _____ which is
7 the habitual residence of the child, and this Court does not have the necessary
8 UCCJEA jurisdiction to enter orders regarding custody and visitation.

- 9 4. That any custody and visitation orders made herein are in the best interest of the children.
10 5. That the amount of child support ordered herein is in compliance with the guidelines
11 established by the Administrator of the Division of Welfare and Supportive Services or
12 has been stipulated to by the parties with the required certifications and disclosures
13 required by the guidelines.
14 6. That any other necessary findings of fact are attached and incorporated herein.

15 **NOW THEREFORE, IT IS HEREBY ORDERED** that (☒ *check one*) ☐ Plaintiff /
16 ☒ Defendant is the legal father of the children listed on page 1.

17 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 18 ☐ The parties are granted joint legal custody of the minor child(ren).
19 ☒ The Plaintiff is granted sole legal custody of the minor child(ren).
20 ☐ The Defendant is granted sole legal custody of the minor child(ren).

21 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 22 ☐ The parties shall share joint physical custody of the minor child(ren). The parties
23 shall exercise a regular and/or holiday timeshare as outlined in Exhibit 1 which is
24 incorporated herein.
25 ☐ Primary physical custody of the minor child(ren) shall be awarded to (☒ *check one*)
26 ☐ Plaintiff / ☐ Defendant. The parties shall exercise a regular and/or holiday
27 timeshare as outlined in Exhibit 1 which is incorporated herein.
28 ☒ Sole physical custody of the minor child(ren) shall be awarded to (☒ *check one*)
 ☒ Plaintiff / ☐ Defendant.

1 **COURT FINDS** that Plaintiff's gross monthly income is \$ _____ and Defendant's
2 gross monthly income is \$ _____. Under the guidelines, child support would be
3 paid by (*parent name*) _____ in the amount
4 of \$ 0.00 per month. (☒ *check one*)

5 ☐ Child support should be set at the above amount that complies with the guidelines
6 established by the Administrator of the Division of Welfare and Supportive
7 Services.

8 ☒ Court finds that child support should be set at \$ 0.00 based on the
9 following adjustments from the guidelines: Judge states plaintiff must file
10 child support case with the D.A. in the State of Tennessee, as Tennessee
11 is where the defendant/father resides and therefore TN has jurisdiction regarding
12 Child Support.

13
14 **ACCORDINGLY, IT IS HEREBY ORDERED** that child support is set at (☒ *check one*)

15 ☒ \$0 per month / ☐ \$ _____ per month paid by (*parent who will pay*)

16 _____ based on: (☒ *check one*)

17 ☐ The worksheet calculation and/or the guidelines established by the Administrator
18 of the Division of Welfare and Supportive Services.

19 ☐ The amount already established by the District Attorney, Family Support
20 Division, case (*insert case number*) R _____.
21

22 ☐ The amount determined by the court.

23 **IT IS FURTHER ORDERED** that (☒ *check one*)

24 ☐ A wage withholding is entered against the obligor parent to secure payment of child
25 support.

26 ☒ A wage withholding is not entered against the obligor parent, as good cause exists to
27 postpone the withholding of income for child support.
28

1
2 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 3 ☐ There are no child support arrearages or the entitled custodial parent waived his/her
4 right to child support arrearages.
5 ☐ Child support arrears are being handled by the District Attorney, Family Support
6 Division, case (*insert case number*) R _____ and shall continue as
7 ordered in that case.
8 ☐ Back child support shall be paid by (*name of parent who will pay back child*
9 *support*) _____ in the total amount of
10 \$ _____, which amount is reduced to judgment.

11 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 12 ☒ There are no child care costs for either parent.
13 ☐ The monthly child care costs for the child(ren) are: \$ _____. The monthly
14 amount should be paid by ☐ Plaintiff ☐ Defendant ☐ both parents equally.

15 **IT IS FURTHER ORDERED** that medical support for the child(ren) shall be provided
16 through(☒ *check one*)

- 17 ☒ Medicaid.
18 ☐ Private / Employer insurance. The monthly premium should be paid by ☐ Plaintiff
19 ☐ Defendant ☐ both parents equally.
20 ☐ Other: _____
21

22 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 23 ☐ Any medical expenses not covered by insurance shall be paid equally by both
24 parties.
25 ☐ Any medical expenses not covered by insurance shall be paid by (*name of parent*)
26 _____ due to the following extraordinary
27 circumstances (*explain*): _____
28

1 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 2 ☐ The 30/30 Rule shall apply to all unreimbursed medical and dental expenses.¹
- 3 ☒ The 30/30 Rule shall NOT apply to unreimbursed medical and dental expenses.
- 4

5 **IT IS FURTHER ORDERED** that (☒ *check one*)

- 6 ☒ The Plaintiff shall claim the following children as dependents for tax purposes every
- 7 year: (*insert child(ren)'s names*): Isabelle Harris, Reagan Harris, Julian Harris, River Harris
- 8 ☐ The Defendant shall claim the following children as dependents for tax purposes
- 9 every year: (*insert child(ren)'s names*): _____
- 10 ☐ The tax deduction shall alternate, with Plaintiff claiming the child(ren) in (☒ *check*
- 11 *one*) ☐ even / ☐ odd years, and Defendant claiming the child(ren) the other years.
- 12 ☐ The tax deduction shall be allocated per federal law.

13 **IRS rules state that the custodial parent usually has the right to claim the child on their*

14 *taxes regardless of what the Decree says. The custodial parent can waive this right by*

15 *filling out IRS Form 8332. Talk to a tax professional if you are not sure what to do.*

15 **IT IS FURTHER ORDERED** that (☒ *check all that apply*)

- 16 ☒ The child's birth certificate shall not be changed.
- 17 ☐ The child's birth certificate shall be amended to state that (*father's full name*)
- 18 _____ is the father of the child.
- 19 ☐ The child's name shall be changed to (*child's new first, middle, and last name*)
- 20 _____ and the birth
- 21 certificate shall be amended to reflect the new name.

22 **IT IS FURTHER ORDERED** that each party shall submit the information required in

23 NRS 125B.055, NRS 125.130 and NRS 125.230 on a separate form to the Court and the

24 Welfare Division of the Department of Human Resources within ten days from the date this

25 Decree is filed. Such information shall be maintained by the Clerk in a confidential manner and

26 not part of the public record. The parties shall update the information filed with the Court and

27 the Welfare Division of the Department of Human Resources within ten days should any of that

28 information become inaccurate.

¹ The "30/30 Rule:" If a parent pays a medical or dental expense for a child that is not paid by insurance, that parent must send proof of the expense to the other parent within 30 days of incurring the expense. The other parent then has 30 days to reimburse the paying parent ½ the cost.

1 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6):
2 **PENALTY FOR VIOLATION OF ORDER:** THE ABDUCTION, CONCEALMENT OR
3 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
4 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that
5 every person having a limited right of custody to a child or any parent having no right of
6 custody to the child who willfully detains, conceals or removes the child from a parent,
7 guardian or other person having lawful custody or a right of visitation of the child in
violation of an order of this court, or removes the child from the jurisdiction of the court
without the consent of either the court or all persons who have the right to custody or
visitation is subject to being punished for a category D felony as provided in NRS 193.130.

8 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
9 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply
10 if a parent abducts or wrongfully retains a child in a foreign country. The parties are also put on
notice of the following provision of NRS 125C.0045(8):

11 If a parent of the child lives in a foreign country or has significant commitments in a foreign
country:

12 (a) The parties may agree, and the court shall include in the order for custody of the
13 child, that the United States is the country of habitual residence of the child for the purposes
of applying the terms of the Hague Convention as set forth in subsection 7.

14 (b) Upon motion of one of the parties, the court may order the parent to post a bond if
15 the court determines that the parent poses an imminent risk of wrongfully removing or
16 concealing the child outside the country of habitual residence. The bond must be in an
17 amount determined by the court and may be used only to pay for the cost of locating the
18 child and returning him to his habitual residence if the child is wrongfully removed from or
concealed outside the country of habitual residence. The fact that a parent has significant
commitments in a foreign country does not create a presumption that the parent poses an
imminent risk of wrongfully removing or concealing the child.

19 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation requirements
20 of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has been established
21 pursuant to an order, judgment or decree of a court and one parent intends to relocate his or her
22 residence to a place outside of this State or to a place within this State that is at such a distance
23 that would substantially impair the ability of the other parent to maintain a meaningful
24 relationship with the child, and the relocating parent desires to take the child with him or her,
25 the relocating parent shall, before relocating: (a) attempt to obtain the written consent of the
26 non-relocating parent to relocate with the child; and (b) if the non-relocating parent refuses to
27 give that consent, petition the court for permission to move and/or for primary physical custody
28 for the purpose of relocating. A parent who desires to relocate with a child has the burden of
proving that relocating with the child is in the best interest of the child. The court may award
reasonable attorney's fees and costs to the relocating parent if the court finds that the non-
relocating parent refused to consent to the relocating parent's relocation with the child without
having reasonable grounds for such refusal, or for the purpose of harassing the relocating
parent. A parent who relocates with a child pursuant to this section without the written consent
of the other parent or the permission of the court is subject to the provisions of NRS 200.359.

1 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS
2 31A and 125.007 regarding the collection of delinquent child support payments.

3 **NOTICE IS HEREBY GIVEN** that either party may request a review of child support
4 every three years pursuant to NRS 125B.145.

5 **NOTICE IS HEREBY GIVEN** that if you want to adjust the amount of child support
6 established in this order, you must file a motion to modify the order with or submit a stipulation
7 to the court. If a motion to modify the order is not filed or a stipulation is not submitted, the
8 child support obligation established in this order will continue until such time as all children
9 who are the subject of this order reach 18 years of age or, if the youngest child who is subject to
10 this order is still in high school when he or she reaches 18 years of age, when the child
11 graduates from high school or reaches 19 years of age, whichever comes first. Unless the
12 parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify
13 the order will be effective as of the date the motion was filed.

14 22nd
15 DATED this X day of July, 2020.

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DISTRICT COURT JUDGE

M.S.

Respectfully Submitted By:

16 ▶ Jennifer Figueroa
17 (Plaintiff's signature)

▶ _____
(Defendant's signature)

18 Jennifer Figueroa
19 (Plaintiff's printed name)

(Defendant's printed name)