

IN THE COURTS OF APPEAL OF THE STATE OF NEVADA

* * * * *

JUSTIN CRAIG BLOUNT; AND
STEPHANIE BLOUNT,

Appellants

vs.

PAULA BLOUNT,

Respondents.

Electronically Filed
SC NO: 82095 Sep 07 2021 02:45 p.m.
DC NO: DE20-0593 AF Brown
Clerk of Supreme Court

**RESPONDENT'S
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APPENDIX -
DATE ORDER
VOLUME II**

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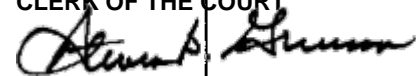
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EXHIBIT “G”

EXHIBIT “G”

EXHIBIT “G”



Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

(HEARING REQUESTED)

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

MOTION TO INVALIDATE

COMES NOW Parents, Justin Blount and Stephanie Blount, and hereby petitions this Honorable Court, pursuant to 25 U.S.C. § 1914 to invalidate all orders made by the Hualapai Tribe, in case 2019-CC-004. In support of our petition, Parents hereby allege and request relief as follows:

1. The minor children at issue, Jeremiah Blount and Kaydi Blount, have been residing in the State of Nevada since December 2017.
2. Mother, Stephanie Blount (hereinafter "Mom"), adopted Jeremiah Blount and Kaydi Blount in 2019, in the State of Nevada, and lives with the minor children in Nevada.

- 1 3. Father, Justin Blount (hereinafter "Dad"), is the natural father of Jeremiah and Kaydi
2 Blount and lives with the minor children in Nevada.
- 3 4. Biological Mother, Gretchen Whatoname (however now deceased December 27, 2017),
4 is the only person, aside from Justin Blount and Stephanie Blount, who has ever held
5 custody of the children.
- 6 5. Prior to Jeremiah Blount and Kaydi Blount becoming residents of Nevada, in December
7 2017, Gretchen Whatoname and Justin Blount both retained their parental rights.
- 8 6. While there have been temporary custody orders¹ between Gretchen and Justin, the final
9 temporary custody order was vacated in December 2017, at the time of Gretchen's
10 untimely death as Justin had become the sole surviving parent, and was formally
11 vacated in January 2018. *See Exhibit A.*
- 12 7. Additional factors in support of Parent's request to invalidate orders will be addressed
13 as the occasion arises.

14
15 **WHEREFORE**, Parents Stephanie Blount and Justin Blount respectfully requests that this
16 Honorable Court, having competent jurisdiction, invalidate all actions and orders having
17 occurred in the Hualapai Tribal Court in case 2019-CC-004.

18 Dated this 10 day of August, 2020.

19
20 

21 Stephanie Blount

22
23 

24 Justin Blount
25 Po Box 61521
26 Las Vegas, NV 89160

27
28 ¹ To bring some clarification to the Tribes Divorce and Custody Procedures refer to Section 12.27 of the
Hualapai Constitution. While Divorce and Custody between parents fall under the same case number,
they are in fact regarded as separate matters.

1 POINTS AND AUTHORITIES

2 I.

3 STATEMENT OF THE FACTS

4 Parents Stephanie Blount and Justin Blount (hereinafter "Mom and Dad"), are
5 requesting all action in case 2019-CC-004 to be invalidated. Justin Blount is the natural father
6 of the two minor children at issue, to wit: Jeremiah Blount, born January 19, 2010, and Kaydi
7 Blount, born February 19, 2013, who are Native American children. Stephanie Blount, Justin
8 Blount's wife, is mother² to Jeremiah Blount and Kaydi Blount. *See Exhibit B.*

9 In Case 2019-CC-004 and in case D-20-605933-F there has been violations under 25
10 U.S.C. § 1911 and 25 U.S.C. § 1912, thus the Eighth Judicial District Court, Clark County,
11 Nevada, which has competent jurisdiction, can and should invalidate actions in case 2019-CC-
12 004 and dismiss case D- 20-605933-F pursuant to 25 U.S.C. § 1914.

13
14 II.

15 LEGAL AGUMENT

16
17 A. JUEREISDICTION

18 At the time of filing for Adoption, on January 3, 2019, Nevada had jurisdiction under the
19 UCCJEA, 25 U.S.C. § 1911, and NRS 125A.305 *also see Exhibit C.*³ In the Adoption a
20 hearing in regards to the Indian Child Welfare Act (hereinafter ICWA) was heard and it was
21 determined that ICWA did not apply to the adoption proceeding. *See Exhibit D.* Additionally,
22 during the adoption the Nevada Court gave the Hualapai Tribe four separate opportunities to
23 argue jurisdiction, especially in regards to case 2019-CC-004, but the tribe failed to establish
24 jurisdiction. *See Exhibit E.* As a result, all actions in case 2019-CC-004 had become invalid.

25
26
27 ² Adoptive parents have the same rights as natural parents of Indian children under ICWA. *See National Indian Law Library.*

28 ³ In the Hualapai orders from January 30, 2020 The tribe states "This Court has exercised jurisdiction... since the original petition for custody was filed by the children's [grand]mother on February 26, 2019."

1 The Nevada Court then proceeded with the adoption and has retained undisputable
2 UCCJEA jurisdiction.

3 **B. ICWA VIOLATIONS**

4 1. 25 U.S.C. § 1911

5 As mentioned above the Hualapai Tribe did not have Jurisdiction to make the
6 orders they have made. Additionally, the Hualapai Tribe cannot simply take
7 jurisdiction just because they are the children's tribe. As such they are in violation
8 of 25 U.S.C. § 1911.

9 2. 25 U.S.C. § 1912

10 Proper Notice has not been given in this case, case D-20-605933-F or in case 2019-
11 CC-004, pursuant to 25 U.S.C. § 1912. **See Exhibit C and Exhibit F and Exhibit G**
12 **and Exhibit H.**

13 Even though the orders Paula is trying to register are no longer current and have
14 been modified **See Exhibit I** father, Justin Blount, has yet to be given proper notice in
15 either case, Pursuant to 25 U.S.C. § 1912. The Hualapai Tribe was not given notice at
16 all of case D-20-605933-F under this same law **see Exhibit H.** And Mother, Stephanie
17 Blount, has not even been name in any case much less been given proper notice in
18 accordance with any law. **See Exhibit C, Exhibit G, Exhibit H, Exhibit I and Exhibit**
19 **J.** The fact of the matter is Stephanie Blount is the legal mother of Jeremiah Blount and
20 Kaydi Blount. Stephanie has never relinquished her rights as to either child, nor have
21 the children ever even been temporarily removed from her custody. To ask that
22 custodial orders, including the termination of parental rights for both Stephanie and
23 Justin and orders to set aside the adoption, be made without so much as notice to the
24 mother, is beyond outrageous and indirect contravention of NRS 125A.345 and 25
25 U.S.C. § 1912. Stephanie certainly has an inherent right and interest in these actions.
26 This Honorable Court should not entertain any request by Petitioner Paula Blount as to
27
28

1 Kaydi Blount and Jeremiah Blount, as it would be wholly improper to do so absent the
2 participation of a parent and without proper notice given to both parents.

3 C. INVAIDATION OF ORDERS

4 In accordance with NRS 125A.325 and 25 U.S.C. § 1914 this Nevada Court can and
5 should dismiss case D-20-605933-F and invalidate all orders and actions in case 2019-
6 CC-004.

7
8 III.

9 Conclusion

10 Based on the foregoing, the Court Should enter the following orders:

- 11 1. Deny registration of the foreign custody orders;
12 2. Invalidate actions and orders in case 2019-CC-004;
13 3. Award attorney fees to the parent(s);
14 4. Any other orders this Honorable Court deems just and proper under the facts
15 presented before it.

16 Dated this 10 day of August, 2020

17
18
19 Submitted by:

20 

21 Stephanie Blount

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24 Justin Blount

25 PO Box 61521

26 Las Vegas, NV 89160
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CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of August, 2020, true and correct copies of the document described as MOTION TO INVALIDATE served via registered mail with return receipt requested, postage prepaid and addressed as follows:

Trevor Waite
6605 Grand Montecito Pkwy
Suite 200
Las Vegas, NV 89149
Father's counsel

Paula Blount
3834 E Lass Ave
Kingman, AZ 86409
Petitioner

Marshal S. Willick
3591 E. Bonanza Rd
Suite 200
Las Vegas, NV 89110
Paula's counsel

Candice Fox
2364 Wiki Way
Camp Verde, Arizona 86322
Paula's Counsel

Candice Fox
2364 Wiki Way
Camp Verde, Arizona 86322
For Gretchen Whatoname

Gretna and Wilfred Whatoname

1 PO Box 341

2 Peach Springs, AZ 86434

3 *Petitioners*

4 Candice Fox

5 2364 Wiki Way

6 Camp Verde, Arizona 86322

7 *Gretna and Wilfred Whatoname's Counsel*

8 Idella Keluche

9 PO Box 179

10 Peach Springs, AZ 86434

11 *ICWA Coordinator*



Stephanie Blount



Justin Blount

PO BOX 61521

Las Vegas, NV 89160

Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

(HEARING REQUESTED)

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

SUPPLEMENTAL EXHIBITS TO PARENTS MOTION TO INVALIDATE

COMES NOW Parents, Justin Blount and Stephanie Blount, and hereby submits the attached documents as Exhibits.

Exhibit A: Orders Vacating Temporary Child Custody

Exhibit B: Adoption Decree

Exhibit C: Hualapai Custody orders from January 30, 2020

Exhibit D: May 3, 2019 Minutes from Adoption

Exhibit E: June 12, 2019 Minutes from Adoption

Exhibit F: Notice of Hearing December 30, 2019

1 Exhibit G: Motion and order in the Hualapai Tribal Court March 9, 2020


2 Exhibit H: Notice of Motion to Register Foreign Custody Orders

3 Exhibit I: Tribal orders from May 13, 2020

4 Exhibit J: Paternal Grandmother's Reply

5
6 DATED this 10 day of August, 2020.
7

8 Submitted by:

9
10 
11 Justin Blount

12 
13

14 Stephanie Blount
15 PO BOX 61521
16 Las Vegas, NV 89160
17
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21 CERTIFICATE OF SERVICE

22 I hereby certify that on the 10 day of August, 2020, true and correct copies of the
23 document described as MOTION TO INVALIDATE served via registered mail with return
24 receipt requested, postage prepaid and addressed as follows:

25 Trevor Waite
26 6605 Grand Montecito Pkwy
27 Suite 200
28 Las Vegas, NV 89149
Father's counsel

Paula Blount
3834 E Lass Ave

Kingman, AZ 86409

Petitioner

Marshal S. Willick

3591 E. Bonanza Rd

Suite 200

Las Vegas, NV 89110

Paula's counsel

Candice Fox

2364 Wiki Way

Camp Verde, Arizona 86322

Paula's Counsel

Candice Fox

2364 Wiki Way

Camp Verde, Arizona 86322

For Gretchen Whatoname

Gretna and Wilfred Whatoname

PO Box 341

Peach Springs, AZ 86434

Petitioners

Candice Fox

2364 Wiki Way

Camp Verde, Arizona 86322

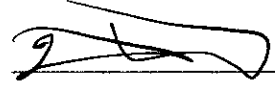
Gretna and Wilfred Whatoname's Counsel

Idella Keluche

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ICWA Coordinator

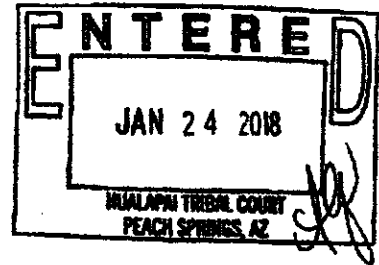

Stephanie Blount
Justin Blount

PO BOX 61521

Las Vegas, NV 89160

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EXHIBIT “A”



**THE HUALAPAI TRIBAL COURT
HUALAPAI INDIAN RESERVATION
PEACH SPRINGS, ARIZONA**

In the Marriage of:

Case No.: 2016-DOM-001

**Gretchen Whatoname,
Petitioner**

**ORDER VACATING
TEMPORARY CUSTODY
ORDER AND CHILD
SUPPORT ORDER**

And

**Justin Blount,
Respondent.**

The Court has been advised through Respondent's Ex Parte Motion for Dismissal and Orders filed with the Court on January 11, 2018, of the untimely death of Petitioner Gretchen Whatoname. At a hearing on June 26, 2017, attended by both parties and their legal counsels, the Court entered a decree and order of dissolution of marriage between the parties. In addition, the Court issued a Temporary Custody Order awarding temporary custody of the parties' two minor children to Petitioner pending final determination of child custody. At a previous hearing on June 14, 2016, Respondent was ordered to pay to Petitioner child support in the amount of \$75.00 per child, \$150.00 total monthly. Respondent requests that the temporary custody and child support orders be vacated and that the Court dismiss all pending matters and close the case.

The Court finds that no previous order has terminated Respondent's parental rights. Because Petitioner was awarded temporary custody of the children and has since deceased, custody of the children should be restored to Respondent and the temporary custody order should be vacated. Additionally, the prior child support order should also be vacated and Respondent's

1 child support obligation should be terminated. However, the Court notes that on April 18, 2017,
2 Respondent filed a Statement for Initial Hearing in which he requested that certain property
3 (without indicating whether such property was Respondent's sole property or was marital
4 property), allegedly in Petitioner's possession, be returned to him. The property was itemized in
5 Exhibit C attached to that filing. Respondent also requested distribution and allocation to
6 Petitioner of certain debts allegedly incurred by Petitioner during the marriage without
7 Respondent's approval and consent. Because these issues of distribution of debts and property
8 have not yet been resolved, and Respondent did not address those outstanding issues in his ex
9 parte motion, the Court finds it prudent to deny the request to close the case pending a formal
10 submission from Respondent addressing the remaining issues of property and debts.

11 **THEREFORE, IT IS THE ORDER OF THIS COURT that:**

12 1. The Temporary Custody Order entered June 26, 2017 and all subsequent orders
13 affirming and maintaining that order are hereby VACATED.


14 2. Legal and physical custody of Jeremiah Blount, d.o.b. 01/19/2010, and Kaydi Blount,
15 d.o.b. 02/19/2013, is restored to Respondent Justin Blount, the minors' biological father.

16 3. The Child Support Order entered June 14, 2016 and all subsequent orders affirming and
17 maintaining that order are hereby VACATED.

18 4. Respondent's child support obligation for the above-named children is terminated.

19 5. Upon the filing of a notice and/or motion from Respondent regarding his prior claims
20 concerning certain property and debts, the Court will consider such notice/motion summarily and
21 issue its ruling promptly.

22 **SO ORDERED** this 23rd day of January, 2018.

23
24 
25 Hon. Jan W. Morris, Chief Judge
26 Hualapai Tribal Court

27 I certify a copy was mailed this 24
day of January, 2018 to:

28 Candace Kane
2364 Wild Way
Camp Verde, AZ 86322-8566

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Keen Ellsworth, Esq.
777 N. Rainbow Blvd., Ste 270
Las Vegas, NV 89107-1187

by: *Quarta*

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EXHIBIT "B"

000257

☐ Other _____ Substantive Withdrawal:
☐ Dismissed - Want of Prosecution Without Judicial Conf/Req
☐ Involuntary (Statutory) Dismissal With Judicial Conf/Req
☐ Default Judgment ☐ by ADR
☐ Transferred

Total Dispositions: _____
☐ Disposed After Trial Start ☐ Judgment Reached by Trial

1 requirement for a child welfare services investigation, and having examined the Petitioners under
2 oath, from which examination the Court finds that all of the allegations of said Petition are true; if
3 there are two Petitioners, they are married; the Petitioners have been residents of Clark County for at
4 least six months; the Petitioners are more than ten years older than the minor children; the Petitioners
5 are financially able to provide for he support and maintenance of the minor children; and it further
6 appearing to the satisfaction of the Court that the best interests of the children will be promoted by
7 this adoption; and it further appearing to the Court that there has been a full compliance with the
8 laws of the State of Nevada relating to adoptions and a full compliance with N.R.S. 127.220 to
9 127.310, inclusive.
10

11
12 **IT IS THEREFORE ORDERED** that the Petitioners JUSTIN BLOUNT and STEPHANIE
13 BLOUNT are declared the legal and/or adoptive parents of the following children: KAYDI ROSE
14 BLOUNT (DOB: 2/19/13) and JEREMIAH CALEB BLOUNT (DOB: 1/19/10).

15 **IT IS FURTHER ORDERED** that if a Petitioner has existing parental rights to the children,
16 those rights shall remain unaffected.

17 **IT IS FURTHER ORDERED** that the minor children's names shall not be changed.

18
19 **IT IS FURTHER ORDERED** that any other parent named on the children's birth
20 certificates shall be removed, and Petitioners' names shall appear on the birth certificate as the only
21 parents to the children

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PARKWAY, SUITE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

1 **IT IS FURTHER ORDERED** that the minor children shall henceforth be regarded and
2 treated as Petitioner's natural children and have all the lawful rights as his/her own child, including
3 the rights of support, protection and inheritance.

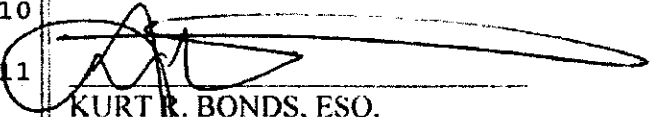
4 DATED this 3 day of July, 2019.

5
6
7 
DISTRICT COURT JUDGE

8 Respectfully Submitted by:

RENA G. HUGHES

9 ALVERSON TAYLOR & SANDERS

10 
11 KURT R. BONDS, ESQ.
12 Nevada Bar #6228
13 TREVOR R. WAITE, ESQ.
14 Nevada Bar #13779
15 6605 Grand Montecito Pkwy. Ste 200
16 Las Vegas, NV 89149
17 Attorneys for Petitioners

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26 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

27 
28 CLERK OF THE COURT

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EXHIBIT “C”

ENTERED

JAN 30 2020

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

HUALAPAI TRIBAL COURT
P.O. BOX #275
960 RODEO WAY
PEACH SPRINGS AZ 86434
PHONE: 928.769.2338
FAX: 928.769.2736

[HTTP://HUALAPAI-NSN.GOV/GOVERNMENT/TRIBAL-COURT/](http://hualapai-nsn.gov/government/tribal-court/)

IN THE TRIBAL COURTS OF THE HUALAPAI TRIBE
PEACH SPRINGS, STATE OF ARIZONA

In re the Custody/Visitation of

No. 2019-CC-004

JEREMIAH BLOUNT (DOB: 1/19/2010)
KAYDI BLOUNT (DOB: 2/19/2013)

Minor Children,

PAULA BLOUNT,

Grandmother/Petitioner,

vs.

JUSTIN BLOUNT,

Father/Respondent.

GRANDPARENT CUSTODY AND VISITATION
ORDER

(Hon. Kaniataritio Jesse Gilbert)

A Motions Hearing was conducted on January 30, 2020, at 0830hrs. The presiding judge is Hon. Kaniataritio Jesse Gilbert (for Hon. Rudy Clark Jr.); clerk is Tawnya Shongo. A recording of the proceedings is made in lieu of a court reporter. The Petitioner is present and is represented by Advocate Candace Fox; Respondent is NOT present, nor is Respondent's counsel of record - Trevor Waite of the firm of Alverson, Taylor & Sanders (Las Vegas, NV). *The Petitioner confirmed their address as PO Box #6856, Kingman AZ 86402/3834 E. Lass Avenue, Kingman AZ 86409.*

This Court has exercised jurisdiction over these children, who are enrolled members of the Hualapai Tribe, since the original petition for custody was filed by the children's mother on February 26, 2019. The Petition noted child dependency proceedings occurring in the state courts of Nevada. This Court has since continued to exercise jurisdiction over these children.

Paula Blount v. Justin Blount, 2019-CC-004

Page 1

000261

1 On December 9, 2019, the Petitioner filed a Petition for Grandparents Visitation Rights
2 pursuant to Chapter 20 of the Hualapai Law & Order Code. The matter was set for a Motion
3 Hearing, and Notice was e-mailed to the Respondent's counsel of record on December 30, 2019, at
4 1549hrs. The Clerk reports that there has been no returned-e-mail as undeliverable. The Court
5 does note, however, that there are errors in the Notice, specifically the caption is mistakenly
6 captioned as "Waite, Trevor v. Blount, Justin/Whatoname, Gretchen" and the date on the Notice is
7 listed as February 26, 2019. It does, however, give notice of a Motion Hearing on today's date at
8 0900hrs, and Mr. Waite could have contacted the Court to seek clarification.

9 "If the defendant fails to appear at any pre-trial proceeding or at the trial of a civil
10 matter...without cause, judgment may be entered for the plaintiff by default." Hual.Civ.P.C. §
11 4.13(A)(2). This matter was set for 0900hrs. It was initially called at approximately 0903hrs. As is
12 the standard practice of this Court, the absent party was given a fifteen (15) minute courtesy period
13 to arrive in a substantive hearing. At 0915hrs, the Court noted that the Respondent had still not
14 appeared and entertained motions. Ms. Fox moved for default judgment, which was granted, and
15 the terms requested in the Petition shall be awarded. The Respondent may appeal this decision by
16 exercising his rights under Chapter 10 of the Hualapai Law & Order Code within thirty (30) days of
17 the date of this Order.

18 *The Court noted that since this is a Tribal Court Order, that in order to ensure its*
19 *enforceability in the State of Nevada, then the Petitioner may wish to domesticate this*
20 *Order in Nevada.*

21 **THEREFORE, IT IS HEREBY ORDERED that:**

- 22 1. This Court has jurisdiction over this child custody proceeding because the child is an
23 enrolled member of the Hualapai Tribe or is eligible for membership, Hual.Dom.Rel.C. §
24 12.29(A)(1), Hual.Grandparents.Rts.C. § 20.4(A)(a);
- 25 2. The Petitioner's Motion is hereby GRANTED BY DEFAULT, Hual.Civ.P.C. § 4.13(A)(2),
Hual.Grandparents.Rts.C. § 20.9;
3. The Respondent (Justin Blount) is awarded Joint-Legal and Joint-Physical custody of the
following minor children:
 - a. Jeremiah Blount (DOB: 1/19/2010);
 - b. Kaydi Blount (DOB: 2/19/2013);
4. The Petitioner, Paula Blount, is awarded Joint-Legal and Joint-Physical custody of these
same minor children for the periods during which custody and visitation is awarded;

1 5. Grandparent Custody and Visitation Schedule: The Petitioner is awarded custody and
2 visitation time with these children under the following terms and conditions, and in the
3 terms stated:

4 a. Every other weekend, beginning on Fridays at 1600hrs (Nevada Time) and ending
5 on Sundays at 1800hrs (Nevada Time), starting on Friday, February 7, 2020, and
6 alternating every other weekend thereafter;

7 b. The Months of June and July in every year, beginning on June 1, at 1700hrs (Nevada
8 Time) and ending on July 31, at 1800hrs (Nevada Time);

9 c. Christmas breaks in every even-numbered year, beginning on December 24, Even-
10 Year, at 1700hrs (Nevada Time) and ending on January 3, Odd-Year, at 1800hrs
11 (Nevada Time);

12 d. Telephonic Visitation: The Petitioner is awarded telephonic visitation with the
13 children on:

14 i. Every Wednesday, at 1800hrs (Nevada Time); and

15 ii. Sundays when the Petitioner does not have custody/visitation with the
16 children, at 1500hrs (Nevada Time);

17 iii. The telephone calls shall not be monitored or conducted on speakerphone;

18 iv. The Petitioner shall be responsible for making the phone calls to the children
19 and bear the costs;

20 v. During June and July when the children are with the Petitioner, the
21 Respondent (Justin Blount) shall have reciprocal telephonic visitation rights
22 under the same terms and conditions outlined above;

23 e. Pick Up & Drop-Off: The Petitioner, Paula Blount, shall be responsible for picking
24 up the children and returning the children to their father pursuant to the visitation
25 schedule outlined above, and bear the costs of travel;

f. Visitation Location: The Petitioner, Paula Blount, may exercise her visitation with
the children at her residence at 3834 E. Lass Avenue, Kingman, Arizona, 86409;

i. If the Petitioner intends to spend significant visitation time (i.e., overnight)
with the children in some other location, then the Petitioner shall ensure that
the Respondent (Justin Blount) is aware of the location and has the ability to
communicate with the Petitioner during those periods;

1 g. Failure to abide by the terms of this Order may result in an Order to Show Cause
2 Hearing and if found in contempt of court, the result may be imprisonment for a
3 period not to exceed 30 days, a fine of up to \$500.00, or both, Hual.Civ.Contempt.C.
4 § 8.1, § 8.2;

5 6. As this award was granted by Default Judgment, the Respondent maintains his right to
6 appeal this Order to the Hualapai Court of Appeals by filing a Notice of Appeal within thirty
7 (30) days of the date of this Order, Hual.Ct.App.P.C. § 10.3, § 10.4;

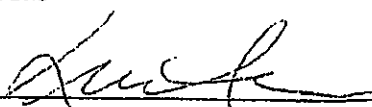
8 7. No Badmouthing: Both Parties are ordered not to badmouth the other party to the Minor
9 Children at all times;

10 8. Mutual Modification: this Order may be modified by mutual agreement between the Parties;






11 9. The Parties are advised that "[n]o motion to modify a custody decree may be made earlier
12 than one year after its date, unless the Court permits it to be made on the basis of affidavits
13 that there is reason to believe the child's present environment may endanger his physical,
14 mental, or emotional health, safety or welfare, Hual.Dom.Rel.C. § 12.31(B).

15 ORDERED on this 30th day of January, 2020.

16 HUALAPAI TRIBE
17 TRIBAL COURT


18 
19 HON. KANIATARCIO JESSE GILBERT

20 Copies of the foregoing mailed/delivered this date to:

21  Clerk of the Court (Original)
22  Candace Fox – 2364 Wiki Way, Camp Verde AZ 86322.
23  Paula Blount – PO Box #6856, Kingman AZ 86402 (Certified Copy).
24  Trevor Waite – Alverson, Taylor & Sanders, 6605 Grand Montecino Parkway, Suite 200, Las Vegas NV 89149.
25  Justin Blount – 100 N. Wallace Dr., Bldg 12 #156, Las Vegas NV 89107.

26 By: 

27 I hereby certify that this is
28 a true and correct copy of the
29 instrument on file in the court
30 of the Hualapai Tribe.

31 
32 Court Clerk
33 Hualapai Tribal Court

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EXHIBIT “D”

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Adoption Petition**COURT MINUTES****May 03, 2019**

D-19-582179-A

In the Matter of the Petition for Adoption by:
Justin Craig Blount, Stephanie Ann Blount, Petitioner(s).

May 03, 2019**9:00 AM****Minute Order****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Connie Kalski**PARTIES:**

Jeremiah Blount, Subject Minor, not present

Justin Blount, Petitioner, not present

~~Kurt Bonds~~, Attorney, not present

Kaydi Blount, Subject Minor, not present

Stephanie Blount, Petitioner, not present

Kurt Bonds, Attorney, not present

JOURNAL ENTRIES

Minute order entered at the request of Department J's Law Clerk via e-mail received at 9:12 a.m. 5/3/19.

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On April 17, 2019 the Court held a hearing on the Hualapai Nation's Motion to Intervene Pursuant to the ICWA. At the time of the hearing, ICWA Coordinator Idella Keluche withdrew the Hualapai Nation's request to intervene, based on the Petitioner's Opposition reflecting information that ICWA does not apply. Additionally, Keluche conceded that the Petitioner's Opposition had merit and ICWA does not apply in this particular case, but that the tribe objects to the adoption based upon legal proceedings in Tribal Court.

PRINT DATE:	05/03/2019	Page 1 of 2	Minutes Date:	May 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

At the hearing, the Court Ordered Keluche to inform the Hualapai Tribe's attorney to file a brief regarding what has occurred in the Tribal Court proceedings, what legal action has taken place, and why the Tribe believes it has jurisdiction to enter the custody Orders it had recently entered.

The Court is hereby Ordering the Hualapai Tribe's attorney to file their brief, with points and authorities, within 20 days. The tribal attorney must be licensed to practice law in Nevada or be admitted pro hac vice. After being served with the Hualapai Tribe's brief, Petitioners shall have ten days to file a response. An In Chambers Status Check shall be scheduled for June 12, 2019 for the Court to review and consider the Hualapai Tribe's brief and the Petitioners' Response.

FUTURE HEARINGS: June 12, 2019 3:00 AM Status Check
Courtroom 04
Hughes, Rena G.
Skaggs, Tiffany

PRINT DATE:	05/03/2019	Page 2 of 2	Minutes Date:	May 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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EXHIBIT "E"

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Adoption Petition

COURT MINUTES

June 12, 2019

D-19-582179-A

In the Matter of the Petition for Adoption by:
Justin Craig Blount, Stephanie Ann Blount, Petitioner(s).

June 12, 2019

3:00 AM

Status Check

HEARD BY: Hughes, Rena G.

COURTROOM: Courtroom 04

COURT CLERK: Tiffany Skaggs

PARTIES:

Jeremiah Blount, Subject Minor, not present

Justin Blount, Petitioner, not present

Kurt Bonds, Attorney, not present

Kaydi Blount, Subject Minor, not present

Stephanie Blount, Petitioner, not present

Kurt Bonds, Attorney, not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

IC Decision 6/12/19

D-19-582179-A

Blount v Blount

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This matter came on for consideration on the Court's in chambers calendar for a status check on the Hualapai Nation's brief and the Petitioner's response to brief. On May 3, 2019 a Minute Order was entered Ordering the Hualapai Tribe's attorney to file a brief regarding what has occurred in the

PRINT DATE:	06/12/2019	Page 1 of 2	Minutes Date:	June 12, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Tribal Court proceedings, what legal action has taken place, and why the Tribe believes it has jurisdiction to enter the custody Order it had recently entered. The Hualapai Tribe was Ordered to file their brief, with points and authorities, within 20 days. Upon service of the brief, Petitioners were granted ten days to file a response.

The Court finds that the Hualapai Tribe has failed to file and serve their brief. On May 30, 2019 Petitioners filed a Notice of Non-Opposition and Request for Expedited Prove Up Hearing.

The Court is hereby setting the matter for a prove up hearing on the Petitioner s request for adoption. The hearing shall take place on July 3, 2019 at 10:00AM.

Clerk's note, a copy, of today's minute order was mailed, to the parties and counsel, at the addresses, on file.

INTERIM CONDITIONS:

FUTURE HEARINGS:

July 03, 2019 10:00 AM Hearing for Prove Up/Default
Courtroom 04
Hughes, Rena G.
Skaggs, Tiffany

PRINT DATE:	06/12/2019	Page 2 of 2	Minutes Date:	June 12, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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EXHIBIT “F”

**IN THE HUALAPAI TRIBAL COURT
HUALAPAI RESERVATION, STATE OF ARIZONA**

WAITE, TREVOR,

PLAINTIFF,

VS.

**BLOUNT, JUSTIN,
WHATONAME, GRETCHEN,**

RESPONDENT,

Case No. 2019-CC-004

NOTICE OF HEARING

TO: WAITE, TREVOR

**You are hereby notified that the above entitled matter is scheduled for an MOTION HEARING
on 30th day of January, 2020 at 09:00 AM.**

You are further notified that it is your right to be represented by legal counsel at your own expense.

Your failure to appear at the above mentioned date and time without good cause may result in an order to show cause issued against you or a dismissal of this case.

DATED THIS 26th day of February, 2019


Clerk of Court

VERIFICATION OF SERVICE

SERVED TO: EMAIL: TWAITE@ALVERSONTAYLOR.COM

SERVED BY: TAWNIA SHONGO

DATE/TIME: 12/30/19 @ 3:49

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EXHIBIT "G"

IN THE HUALAPAI TRIBAL COURT
HUALAPAI RESERVATION, ARIZONA

W. Blount
Blount

Plaintiff

Respondant

CASE NO.

MOTION AND ORDER

2019-CC-004

I HEREBY MOVE the Honorable Court to: (Be specific)

Submitted this _____ day of _____, 20____

Movant

I certify that on the _____ day of _____, 20____

I [] delivered [] mailed a copy of this Motion to

By: _____

ENTERED

NOTE: THIS MOTION IS NOT GRANTED UNTIL ORDERED BY A JUDGE

MAR - 9 2020

Upon reading said motion, and giving opposing party(ies) opportunity to be heard, IT IS HEREBY ORDERED:

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

() Granting / denying the motion

(☒) Setting the matter for *Initial Motion* hearing on *March 25, 2020* at *10:00* am pm

() IT IS FURTHER ORDERED AS FOLLOWS:

SO ORDERED this *9th* day of *March*, 20*20*

Tribal Court Judge

I certify that on the *12th* day of *March*, 20*20* *Carlyce Fox*

I [] delivered [☒] mailed a copy of this Motion to:

*2304 Wilk Way
Camp Verde AZ 86322*

*Paula Blount
PO Box 6850
Kingman AZ 86402*

By: *Jannika Shingo*

*Justin Blount
100 N Wallace Dr. Bldg 12
Las Vegas, NV 89107*

*Trevor Waite
Alyson Taylor & Sanders
6605 Grand Montecito Parkway Suite 200
Las Vegas, NV 89149*

*Gineta + Wilfred Wihataname
PO Box 211
Peach Springs, AZ 86431*

*KB
2/6/20
K*

000274

1 Candace Fox
2 2364 Waka Way
3 Camp Verde, AZ. 86322
4 928-594-6970 phone
5 Email: najah@yahoo.com

HUALAPAI TRIBAL
COURT

2020 MAR -9 A 8 41

FILED

IN THE HUALAPAI TRIBAL COURT

HUALAPAI INDIAN RESERVATION, STATE OF ARIZONA

7 GRETNA AND WILFRED WHATONAME) Case No.: 2019-CC-004

8 JR.,)

9 Petitioners,)

10 VS.)

11 JUSTIN BLOUNT,)

12 Respondent)

13 Concerning: KAYDIE AND JEREMIAH)

14 BLOUNT, child)

15
16 Undersigned counsel hereby makes this Motion to hold a hearing to amend to custody order
17 issued to the maternal grandparents to include the paternal grandmother Paula Blount, so
the grandparents can share custody of the children.

18 The custody was awarded to maternal grandparents however, the Respondent has failed to
19 surrender the children.

20 Parties are requesting a hearing to add paternal grandmother Paula Blount to share custody
21 of the grandchildren.

22 Submitted this 6th day of March 2020.

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25 A copy will be forwarded to opposing party via US Postal service on this day



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EXHIBIT “H”

Steven D. Grierson

1 **NOTC**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for *Petitioner*

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the Custody Visitation of
JEREMIAH BLOUNT (DOB:
1/19/2010); KAYDI BLOUNT (DOB:
2/19/2013)

CASE NO: D-20-605933-F
DEPT. NO: F

Minor Children,
PAULA BLOUNT,
Grandmother/Petitioner,
vs.
JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

DATE OF HEARING: N/A
TIME OF HEARING: N/A

NOTICE OF FILING REGISTRATION OF FOREIGN CUSTODY ORDER

TO: JUSTIN BLOUNT, Father/Respondent in Proper Person.

TO: GRETCHEN WHATONAME, Respondent in Proper Person

PLEASE TAKE NOTICE that the Petitioner, Paula Blount, has filed a
"Registration of Foreign Custody Order," a copy of which is attached as "Exhibit

1 A," on the 18th day of March, 2020, in the above referenced case, in the Eighth
2 Judicial District Court, Clark County, Nevada.

3 Pursuant to NRS 125A.465, and NRS 130.605, **PLEASE TAKE NOTICE**
4 that:

- 5 1. A registered determination is enforceable as of the date of the registration in the
6 same manner as a determination issued by a court of this State.
- 7 2. You have 20 days from the receipt of this filing to request a hearing to contest the
8 validity of the registered determination.
- 9 3. Failure to contest the registration will result in confirmation of the *Grandparent*
10 *Custody and Visitation Order* filed January 30, 2020, in the Trial Courts of the
11 Hualapai Tribe, Peach Springs, State of Arizona, Case No. 2019-CC-004, and
12 *Minute Order*, filed on May 28, 2019, in the Trial Courts of the Hualapai Tribe,
13 Peach Springs, State of Arizona, Case No. 2019-CC-004, and preclude further
14 contest of the determination with respect to any matter that could have been
15 asserted.

16 *****

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1 Pursuant to NRS § 17.360 et seq., the mailing address for the
2 Father/Respondent, Justin Blount, PO Box 1754, Las Vegas, Nevada 89125 and 100
3 N. Wallace Drive Bldg 12 #156, Las Vegas, Nevada 89107; Respondent Ms.
4 Gretchen Whatoname c/o. Candace Fox 2364 Wiki Way, Camp Verde, Arizona
5 86322. The mailing address for Petitioner, Paula Blount, is 3834 E. Lass Avenue,
6 Kingman, Arizona 86409.

7 DATED this 18th day of March, 2020.

8 Respectfully Submitted By:

9 ~~WILICK LAW GROUP~~

10 

11 ~~MARSHAL S. WILICK, ESQ.~~

12 Nevada Bar No. 2515

13 TREVOR M. CREEL, ESQ.

14 Nevada Bar No. 11943

15 3591 East Bonanza Road, Suite 200

16 Las Vegas, Nevada 89110

17 Attorneys for *Petitioner*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 18th day of March, 2020, I caused the above and foregoing document to be served as follows:

- ☐ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.
- ☐ By First Class, Certified U.S. Mail.

To the address, email address, and/or facsimile number indicated below:

Mr. Justin Blount
100 N. Wallace Drive Bldg 12 #156
Las Vegas, Nevada 89107
Respondent in Proper Person

Mr. Justin Blount
P.O. Box 1754
Las Vegas, Nevada 89125
Respondent in Proper Person

Ms. Gretchen Whatoname
c/o Candace Fox
2364 Wiki Way
Camp Verde, Arizona 86322
Counsel for Respondent


An Employee of the WILICK LAW GROUP

P:\wp19\BLOUNT, J\DRAPTS\00427653.WPD\j

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EXHIBIT "I"

ENTERED

IN THE HUALAPAI JUVENILE COURT
HUALAPAI RESERVATION, ARIZONA

IN THE MATTER OF:

JEREMIAH BLOUNT,

DOB: 01/19/2010

A Minor

Case No. 2019-CC-004

MINUTE ORDER

MAY 13 2020

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

The following proceeding or action occurred on the 13th day of May, 2020 at 10:00 AM in this Court:

For a/an Motion Hearing/Telephonic appearance

Persons present were: X Plaintiff: Gretna & Wilfred Whatoname
X Plaintiff counsel: C. Fox
 Parent(s)/Respondent: Justin Blount
 Respondent counsel: Trevor Waite
X Other: Paula Blount

Evidence/Action: RESPONDENT'S ARE NOT PRESENT AND WERE PROPERLY SERVED W/NOTICE. PLAINTIFF'S COUNSEL PRESENTS MOTION TO INCLUDE PAULA BLOUNT IN THE PETITION.

The Court found and ordered: GRANTS MOTION BY DEFAULT AND INCLUDES PAULA BLOUNT IN THE AMENDED PETITION W/SHARED CUSTODY BETWEEN GRANDPARENTS. PLAINTIFF'S COUNSEL SHALL PROVIDE THE COURT W/A PROPOSED ORDER.

Tribal Prosecutor is directed to prepare and submit disposition recommendations by

The Court further ordered all parties, counsel, and interested persons to appear before the Court for a on at

Date: May 13, 2020


Tribal Court Judge

I certify that I have distributed copies to: ☒ Prosecutor ☐ Minor's Counsel ☒ Parent(s) ☒ Minor ☐ HJDRC ☐ Probation ☐ Other:
by on 05/13/2020 (Revised 1/2016)

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EXHIBIT "J"



ROPP
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Paula Blount

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

In re the Custody/Visitation of
JEREMIAH BLOUNT (DOB: 1/19/2010)
KAYDI BLOUNT (DOB: 2/19/2013)

Minor Children,

PAULA BLOUNT,

Grandmother/Petitioner,

vs.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,

Parent(s)/Respondents.

CASE NO: D-20-605933-F
DEPT. NO: J

DATE OF HEARING: N/A
TIME OF HEARING: N/A

**PATERNAL GRANDMOTHER'S REPLY TO
"FATHER'S OPPOSITION TO REGISTRATION OF FOREIGN
CUSTODY ORDER"**

I. INTRODUCTION

The crux of Justin's entire *Opposition* rests upon his contention that the Hualapai Tribal Court somehow relinquished jurisdiction to the State of Nevada regarding the above referenced Native American minor children, Jeremiah Blount (age 10) and Kaydi Blount (age 7). Indeed, he argues that the Tribal Court "both

1 explicitly and impliedly”¹ relinquished its exclusive, continuing child custody
2 jurisdiction while failing to cite to *any* order from the Tribal Court in which such a
3 relinquishment was *ever* made.

4 Frankly, it is intellectually dishonest for Justin to even make such an argument
5 considering that he, at both the district court and appellate levels in Nevada,
6 continually asserted the sovereign rights of the Hualapai Tribe, that the Tribal Court
7 was the *only* Court capable of making decisions involving the care and custody of the
8 children as it had “not relinquished jurisdiction over Justin or the two eldest
9 children”,² and that Paula was attempting to avoid appearing before the Tribal Court
10 to address her grandparent visitation. In other words, and through his improvident
11 adoption *Petition*, Justin did the very thing he falsely accused his mother of
12 attempting.

13 What follows is a detailed rendition of the facts and circumstances leading up
14 to the submission of Paula’s *Registration* request to ensure the record is complete, as
15 Justin’s revisionist interpretation of the parties’ history is not even remotely accurate,
16 coupled with limited argument.

17 18 POINTS AND AUTHORITIES

19 II. STATEMENT OF FACTS

20 Petitioner, Paula Blount, is the paternal grandmother to the subject minors
21 referenced above, i.e., Jeremiah Blount, born January 19, 2010, and Kaydi Blount,
22 born February 19, 2013.³

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25 ¹ As this Court is undoubtedly aware, a court cannot “impliedly” relinquish its child custody
jurisdiction.

26 ² See Exhibit “1”, *Answering Brief*, filed February 8, 2019, with the Nevada Supreme Court,
27 page 8.

28 ³ Both Jeremiah and Kaydi are registered members of the Hualapai Tribe, which is a federally
recognized Indian Tribe located on the Hualapai Indian Reservation in Northwestern Arizona.

1 Justin Blount is the Petitioner's son, and Gretchen Whatoname was the minor
2 children's biological mother. Gretchen passed away on December 27, 2017.

3 As the Court probably surmised in reviewing Justin's extensive, if inaccurate
4 history of this case in his *Opposition*, the parties' historical relationship was/is very
5 contentious and there has been considerable conflict over the years. Notwithstanding
6 their tortured background, we believe it important to lay out the parties' history to
7 ensure this Court has an accurate picture of what has transpired with regard to these
8 children over the past few years.

9 Gretchen and Justin's relationship was a tumultuous one. Justin was arrested
10 for domestic violence against Gretchen following the birth of his second child.
11 Because his domestic violence occurred on a reservation, it constituted a federal
12 offense and he was sentenced to four months in jail. Upon his release from jail, Justin
13 was ordered to a half way house for six months and subsequently obtained a small
14 apartment in Flagstaff. While still married to Gretchen, Justin engaged in an affair
15 with his current spouse that resulted in the birth of his third child in March, 2016.

16 Prior to Justin cutting off contact between the minor children and their
17 grandmother, Paula regularly cared for the minor children and was effectively their
18 primary caregiver for many years prior to their removal from her care in late 2017.
19 That fact was cemented following Justin's arrest and subsequent incarceration,
20 wherein Gretchen left the children with Paula to provide their exclusive care. Given
21 the substantial time Paula spent with the children, the children developed a significant
22 bond with her and saw her as more of a maternal figure than a grandmother. For
23 some reason, this reality always bothered Justin and it was only exacerbated upon
24 Justin marrying his current wife.

25 Several months prior to Gretchen's passing on December 27, 2017, she initiated
26 divorce proceedings against Justin in The Hualapai Tribal Court. At a hearing held
27 in the Tribal Court on June 26, 2017, which was attended by Justin, Gretchen, and
28 their counsel, the Tribal Court entered a decree and order of dissolution of marriage

1 between the parties. In addition, the Court issued temporary custody orders awarding
2 Gretchen primary physical custody of the children pending final determination.

3 Immediately after Gretchen's death, Gretna and Wilfred Whatoname, the
4 maternal grandparents of Jeremiah and Kaydi, petitioned the Tribal Court for an order
5 awarding them temporary custody of the children. Justin opposed the maternal
6 grandparents' request and the Court issued a summary determination on December
7 29, 2017, wherein it denied their request and determined that because Gretchen was
8 now deceased, custody of the children must be restored to Justin.

9 To that end, Justin took custody of the children on December 29, 2017, and
10 immediately relocated the children from Peach Springs, Arizona to Las Vegas,
11 Nevada. In an effort to obtain a more formal order relating to his legal and physical
12 custody, Justin submitted an *Ex Parte Motion for Dismissal and Orders* with the
13 Tribal Court on January 11, 2018, in which he requested, in light of Gretchen's death,
14 that he receive legal and physical custody of the children. As the submission was *ex*
15 *parte*, a default order was effectively entered by the Tribal Court in ordering that
16 "Legal and physical custody of Jeremiah Blount, d.o.b. 01/19/2010, and Kaydi
17 Blount, d.o.b. 02/19/2013, is restored to Respondent Justin Blount, the minors'
18 biological father."⁴

19 On May 18, 2018, Paula filed a *Petition for Grandparent Visitation* with this
20 Court. Justin opposed that *Petition* and moved the Court to dismiss Paula's *Petition*
21 on the basis that it lacked subject matter jurisdiction, and that the Hualapai Tribal
22 Court was the **only** Court allowed to issue orders relating to the care and custody of
23 the minor children as it retained ***continuing, exclusive jurisdiction***.

24 The parties subsequently appeared before the Court on July 25, 2018, at which
25 time the Court specifically found, of relevance to these proceedings,
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27
28 ⁴ *Order Vacating Temporary Custody Order and Child Support*, filed January 24, 2018. At
no point in time was the custody action ever dismissed.

1 THE COURT HEREBY FINDS that the Hualapai Tribe has exercised
2 jurisdiction over the two older children [Jeremiah and Kaydi] in two separate
3 proceedings. As such, the Hualapai Tribe has continuing, exclusive
4 jurisdiction over the children.⁵

5 Paula filed a *Notice of Appeal* and *Case Appeal Statement* on August 24, 2018.
6 Following substantial briefing, the Nevada Supreme Court issued an *Order of*
7 *Affirmance* on September 16, 2019, denying Paula's appeal.

8 While the appeal was pending, and without notice to Paula, Justin and his wife,
9 Stephanie Blount, filed a *Petition for Adoption* on January 3, 2019. Shortly after the
10 Hualapai Tribe was notified of Justin and Stephanie's *Petition for Adoption*, it filed
11 a *Motion to Intervene* in the Nevada adoption on the premise that it was the only
12 Court with jurisdiction to issue orders relating to the care and custody of the minor
13 children (effectively echoing what Justin had argued both at the district court and
14 Supreme Court months earlier).

15 In addition, Gretna and Wilfred Whatoname, the maternal grandparents of
16 Jeremiah and Kaydi, filed a *Petition* in the Tribal Court to obtain temporary custody
17 of the children in light of Justin and Stephanie's neglect of the children. On February
18 27, 2019, the Hualapai Tribal Court, the only Court with jurisdiction to issue orders
19 relating to the custody of the children, issued an order granting Gretna and Wilfred
20 custody of the children. The Tribal Court subsequently issued a *Minute Order* on
21 May 28, 2019, again granting them custody of the children with the additional
22 requirement that Justin return the children to their maternal grandparents.

23 Notwithstanding that reality, and the Tribal Court's vehement objection to any
24 adoption occurring in Nevada in light of the ICWA and the fact that child custody
25 proceedings were ongoing in the Hualapai Tribal Court, Justin and Stephanie pressed
26 forward with their inappropriate *Petition for Adoption*. As a result, an adoption
27 hearing was held and a purported *Decree of Adoption* was filed with this Court on

28 ⁵ See *Findings of Fact, Conclusions of Law, and Order From July 25, 2018 Hearing*, filed
August 16, 2018, page 2, lines 4-6.

1 July 3, 2019. No indication was provided by Justin that this *Decree of Adoption* was
2 ever actually served on all interested parties, like the maternal grandparents who
3 technically had custody of the children by way of a lawful order issued by the only
4 Court capable of making custody orders.

5 On December 9, 2019, Paula filed a *Petition* in the Hualapai Tribal Court
6 seeking grandparent visitation. The *Notice of Hearing* relating to Paula's *Petition*
7 was provided to all interested parties.⁶

8 Paula then appeared before the Tribal Court on January 30, 2020, wherein it
9 issued a *Grandparent Custody and Visitation Order*. In that *Order*, the Tribal Court
10 found and ordered as follows:

11 This Court has exercised jurisdiction over these children, who are
12 enrolled members of the Hualapai Tribe, since the original petition for custody
13 was filed by the children's mother on February 26, 201[7].⁷ This Court has
14 since continued to exercise jurisdiction over these children.⁷

15 On December 9, 2019, the Petitioner filed a Petition for Grandparents
16 Visitation Rights pursuant to Chapter 20 of the Hualapai Law & Order Code
17 The matter was set for a Motion Hearing, and Notice was e-mailed to the
18 Respondent's counsel of record on December 30, 2019, at 1549 hrs. The Clerk
19 reports that there has been no returned e-mail as undeliverable. The Court
20 does not, however, that there are errors in the Notice, specifically the caption
21 is mistakenly captioned as "Waite, Trevor v. Blount, Justin/Whatoname,
22 Gretchen" and the date on the Notice is listed as February 26, 2019. It does
23 however, give notice of a Motion Hearing on today's date at 0900 hrs, and Mr.
24 Waite could have contacted the Court to seek clarification.⁸

25 As a result of those findings, the Tribal Court awarded Paula joint legal and
26 physical custody of the minor children pursuant to a specific schedule to which Justin
27 has failed to even acknowledge, let alone follow. So as to pursue enforcement of the
28

29 ⁶ Justin's counsel claims that he provided "notice" to the Tribal Court that he was no longer
30 Justin's counsel of record in those proceedings by submitting a "letter" to the Tribal Court. Of
31 course, he failed to actually file a Notice of Withdrawal or supply any documentation indicating that
32 he formally withdrew from that matter.

33 ⁷ *Grandparent Custody and Visitation Order*, filed January 20, 2020, page 1, lines 23-25.

34 ⁸ *Id.*, page 2, lines 1-7.

1 clear and unambiguous custody orders issued by the Tribal Court, Paula filed her
2 *Registration of Foreign Custody Orders* on March 18, 2020.

3 Justin, through counsel, accepted service of Paula's *Registration* on April 6,
4 2020. Justin filed an *Opposition* to Paula's *Registration* on April 30, 2020. Justin
5 has never submitted a request for hearing.

6 This *Reply* follows.

7
8 **III. REPLY TO OPPOSITION**

9 **A. The Tribal Court Custody Orders are Fully Enforceable and Must**
10 **be Given Full Faith and Credit by This Court**

11 NRS 125A.465 provides, in relevant part,

12 1. A child custody determination issued by a court of another state may
13 be registered in this state, with or without a simultaneous request for
14 enforcement, by sending to a court of this state which is competent to hear
15 custody matters:

16 (a) A letter or other document requesting registration;

17 (b) Two copies, including one certified copy, of the determination
18 sought to be registered, and a statement under penalty of perjury that to the
19 best of the knowledge and belief of the person seeking registration the order
20 has not been modified; and

21 (c) Except as otherwise provided in NRS 125A.385, the name and
22 address of the person seeking registration and any parent or person acting as
23 a parent who has been awarded custody or visitation in the child custody
24 determination sought to be registered.

25 2. On receipt of the documents required by subsection 1, the registering
26 court shall cause the determination to be filed as a foreign judgment, together
27 with one copy of any accompanying documents and information, regardless of
28 their form.

3. The registering court shall provide the persons named pursuant to
paragraph (c) of subsection 1 with an opportunity to contest the registration in
accordance with this section.

4. The person seeking registration of a child custody determination
pursuant to subsection 1 shall serve notice, by registered or certified mail,
return receipt requested, upon each parent or person who has been awarded
custody or visitation identified pursuant to paragraph (c) of subsection 1.

5. The notice required by subsection 4 must state that:

1 (a) A registered determination is enforceable as of the date of the
2 registration in the same manner as a determination issued by a court of this
3 state;

4 (b) A hearing to contest the validity of the registered determination
5 must be requested within 20 days after service of notice; and

6 (c) Failure to contest the registration will result in confirmation of the
7 child custody determination and preclude further contest of that determination
8 with respect to any matter that could have been asserted.

9 6. A person seeking to contest the validity of a registered order must
10 request a hearing within 20 days after service of the notice. At that hearing, the
11 court shall confirm the registered order unless the person contesting
12 registration establishes that:

13 (a) The issuing court did not have jurisdiction pursuant to NRS
14 125A.305 to 125A.395, inclusive;

15 (b) The child custody determination sought to be registered has been
16 vacated, stayed or modified by a court having jurisdiction to do so pursuant to
17 NRS 125A.305 to 125A.395, inclusive; or

18 (c) The person contesting registration was entitled to notice, but notice
19 was not given in accordance with the standards of NRS 125A.255, in the
20 proceedings before the court that issued the order for which registration is
21 sought.

22 7. If a timely request for a hearing to contest the validity of the
23 registration is not made, the registration is confirmed as a matter of law and the
24 person requesting registration and all persons served must be notified of the
25 confirmation.

26 8. Confirmation of a registered order, whether by operation of law or
27 after notice and hearing, precludes further contest of the order with respect to
28 any matter that could have been asserted at the time of registration.

The law is clear that a person seeking to contest the registration of a foreign
custody order *must* request a hearing within 20 days after service of the notice.
Justin, through counsel, accepted service of Paula's *Registration* on April 6, 2020.
Justin filed an *Opposition* to Paula's *Registration* on April 30, 2020. As of this
writing, he has never requested a hearing with this Court. Accordingly, the Tribal
Court orders sought to be registered by Paula must be immediately confirmed and
Justin is precluded from further contesting such orders.

1 **B. The Initial Order Granting Maternal Grandparents Custody of the**
2 **Minor Children Was Entered Prior to Any *Decree of Adoption***

3 In 1997, the Uniform Law Commission approved the Uniform Child Custody
4 Jurisdiction and Enforcement (“UCCJEA”), which has now been adopted in 49 states.
5 Massachusetts is the only state that has not adopted the UCCJEA. Unlike the prior
6 Uniform Child Custody Jurisdiction Act (“UCCJA”), the UCCJEA is consistent with
7 the Parental Kidnaping Prevention Act (“PKPA”) and gives priority to home-state
8 jurisdiction. The UCCJEA specifies that its provisions apply to all proceedings in
9 which legal custody, physical custody, or visitation is an issue. Indeed, the UCCJEA
10 Section 102(4) (NRS 125A.055 and Ariz. Rev. Stat. 25-002(4)) defines a child
11 custody proceeding as

12 a proceeding in which legal custody, physical custody, or visitation with
13 respect to a child is an issue. The term includes a proceeding for divorce,
14 separation, neglect, abuse, dependency, guardianship, paternity, termination
15 of parental rights, and protection from domestic violence, in which the issue
16 may appear. The terms does not include a proceeding involving juvenile
17 delinquency, contractual emancipation or enforcement.

18 Accordingly, the UCCJEA on its face applies to termination of parental rights
19 cases, or the termination of one’s custodial rights, which specifically relate to the care
20 and custody of a minor child. *In re Ramirez v. Barnett*, a case out of the Arizona
21 Court of Appeals, a child was born on October 27, 2014. The father filed a paternity
22 action coupled with a motion for temporary orders on October 30, 2014. The Arizona
23 court issued a temporary order on November 4th and set the matter for hearing. The
24 mother moved to dismiss the Arizona action because she had arranged for the child’s
25 adoption in New York state, and adoption proceedings had been initiated. The father,
26 who did get notice of the adoption proceedings, did not object in New York and the
27 New York court granted the adoption on February 3, 2015.

28 The mother subsequently argued that the New York adoption was entitled to
full faith and credit under the PKPA. The Arizona Court of Appeals held that
because Arizona was the home state at the time the father filed his paternity and
custody action, the PKPA barred any other state from exercising jurisdiction when

1 that state was exercising jurisdiction consistently with the PKPA. As such, the New
2 York adoption decree was not entitled to full faith and credit.⁹

3 NRS 125A.215(3) provides,

4 A child custody determination made by a tribe under factual
5 circumstances in substantial conformity with the jurisdictional standards of the
6 provisions of this chapter must be recognized and enforced pursuant to NRS
7 125A.405 to 125A.585.¹⁰

8 NRS 127.123 further provides,

9 Notice of the filing of a petition for the adoption of a child must be
10 provided to the legal custodian or guardian of the child if that custodian or
11 guardian is a person other than the natural parent of the child.

12 Even if states, like Nevada and Arizona, have not specifically included
13 adoption within the definition of “child custody determination” under the UCCJEA,
14 the PKPA requires full faith and credit to be given to “custody determinations” made
15 consistent with the PKPA jurisdictional requirements, which are essentially
16 duplicated within the UCCJEA. As this Court is aware, adoption proceedings are
17 replete with court-made determinations implicating the care and custody of minor
18 children. Accordingly, adoption proceedings fall within the “any proceeding for a
19 custody determination” provision of the Parental Kidnaping Prevention Act, thus
20 implicating the jurisdictional mandates under the UCCJEA.

21 NRS 127.017 further states,

22 Each court in this state which exercises jurisdiction pursuant to this
23 chapter [adoption statute] in a case involving an Indian child ***shall give full
24 faith and credit to the judicial proceedings of an Indian tribe*** to the same
25 extent that the Indian tribe gives full faith and credit to the judicial proceedings
26 of the courts of this state. [Emphasis added].

27 As noted above, Gretna and Wilfred Whatoname, the maternal grandparents of
28 Jeremiah and Kaydi, filed a *Petition* in the Tribal Court to obtain custody of the
children. On February 27, 2019, the Hualapai Tribal Court, the only Court with

⁹ 384 P.3d 828 (Ariz. Ct. App. 2016). We have cited to the Arizona statutes and Arizona case law because that is where the Hualapai Tribe and its associated Tribal Court is located.

¹⁰ Identical language can be found in Ariz. Rev. Stat. 25-1004(C).

1 jurisdiction capable of issuing orders relating to the custody of the children, granted
2 Gretna and Wilfred custody of the children. The Tribal Court subsequently issued a
3 *Minute Order* on May 28, 2019, again certifying their custody of the children with the
4 requirement that Justin return the children to their maternal grandparents.

5 In spite of that reality, and the Tribal Court's objection to any adoption
6 occurring in Nevada in light of the ICWA and the fact that child custody proceedings
7 were ongoing in the Hualapai Tribal Court (the only court with continuing, exclusive
8 jurisdiction), Justin and Stephanie pressed forward with their improvident *Petition*
9 *for Adoption*. As a result, an adoption hearing was held and a purported *Decree of*
10 *Adoption* was filed with this Court on July 3, 2019, or many months *after* Gretna and
11 Wilfred had obtained sole custody of the subject minors pursuant to a lawful court
12 order entitled to full faith and credit.

13 Additionally, no indication was provided by Justin that this *Decree of Adoption*
14 was ever actually served on all interested parties, like the maternal grandparents who
15 technically had custody of the children by way of an order issued by the *only* Court
16 capable of making custody orders. To be clear, until and unless the Hualapai Tribal
17 Court relinquished jurisdiction over these children, no other court in the United States
18 had jurisdiction to issue orders, absent an emergency, relating to these children; it
19 really is that simple. For Justin to suggest otherwise, especially considering his
20 actions in the Nevada courts, is, at best, disingenuous.

21
22 **C. The Hualapai Tribal Court Never Relinquished Jurisdiction Over**
23 **All Custody Matters Relating to the Minor Children**

24 Ariz. Rev. Stat. 25-1032 states, in relevant part, (identical language is
25 contained in NRS 125.315)

26 A. Except as otherwise provided in section 25-1034, a court of this
27 state that has made a child custody determination consistent with section 25-
28 1031 or 25-1033 has exclusive, continuing jurisdiction over the determination
until either of the following is true:

1. A court of this state determines that neither the child, nor the child
and one parent, nor the child and a person acting as a parent have a significant

1 connection with this state and that substantial evidence is no longer available
2 in this state concerning the child's care, protection, training and personal
relationships.

3 2. A court of this state or a court of another state determines that the
4 child, the child's parents and any person acting as a parent do not presently
reside in this state.

5 NRS 125A.325 further provides,

6 Except as otherwise provided in NRS 125A.335, a court of this state
7 **may not** modify a child custody determination made by a court of another state
8 unless a court of this state has jurisdiction to make an initial determination
pursuant to paragraph (a) or (b) of subsection 1 of NRS 125A.305 **and**:

9 1. The court of the other state determines it no longer has exclusive,
10 continuing jurisdiction pursuant to NRS 125A.315 or that a court of this state
would be a more convenient forum pursuant to NRS 125A.365; or

11 2. A court of this state or a court of the other state determines that the
12 child, the child's parents and any person acting as a parent do not presently
reside in the other state. [Emphasis added].

13 The UCCJEA forms the exclusive basis for determining jurisdiction of
14 interstate child custody disputes. As noted, continuing, exclusive jurisdiction from
15 the initial issuing court **only** ceases when "a court of this state or a court of another
16 state determines that the child, the child's parents and any person acting as a parent
17 do not presently reside in this state." In other words, and in general the issuing court,
18 must make a specific inquiry, presumably by way of evidentiary proceedings, as to
19 whether or not the child, the child's parents and any person acting as a parent do not
20 presently reside in the issuing state.

21 No such findings have ever been made by the Tribal Court in this case and the
22 undisputed record indicates the exact opposite, i.e., the Tribal Court has clearly
23 indicated that it has not relinquished jurisdiction over these children, it issued orders
24 granting custody to the maternal grandparents long before a *Decree of Adoption* was
25 processed by this Court, and it has continued exercising its continuing, exclusive
26 jurisdiction to issue orders relating to the subject minors. In sum, absolutely no
27 information, let alone evidence, has ever been supplied by Justin to indicate that the
28 Tribal Court somehow lost its exclusive, continuing jurisdiction, let alone

1 relinquished its jurisdiction. As that reality is dispositional, any orders issued by this
2 Court relating to the adoption and/or care and custody of the subject minors are void
3 as a matter of law.¹¹

4
5 **D. The Hualapai Tribal Court Maintained Continuing Exclusive**
6 **Jurisdiction Under the UCCJEA**

7 Not to belabor the point, but the Hualapai Tribal Court did indeed maintain
8 continuing, exclusive jurisdiction to render orders relating to the care and custody of
9 the minor children under the UCCJEA. No evidence has been supplied to indicate
10 that it relinquished its jurisdiction and it is intellectually dishonest for Justin to
11 suggest otherwise. At best, Justin could argue that there is a conflict of laws
12 concerning the jurisdictional requirements for adoption and a custody proceeding, but
13 we believe such an argument falls flat on the basis that the child custody proceeding
14 in the Tribal Court was submitted and concluded *before* any proceeding for adoption
15 was initiated.

16 Justin making such an argument is all the more ironic given his prior
17 representations to this Court, as well as the Nevada Supreme Court. In those cases,
18 Justin was adamant (and correct) in asserting that the Nevada courts lacked subject
19 matter jurisdiction to do anything relating to these children because the Tribal Court
20 was the *only* court capable of making determinations regarding the care and custody
21 of the children. Indeed, Justin correctly acknowledged for years after the children left
22 Arizona, that the Tribal Court maintained continuing, exclusive jurisdiction. For him
23 to suggest otherwise now is indicative of his duplicity; he can't have it both ways.

24
25 ¹¹ To the extent the Court believes a Motion to Set Aside the Decree of Adoption is required,
26 Paula will file one, but she submits such is unnecessary under these circumstances considering the
27 Court lacked jurisdiction to issue such an order in the first place. If a judgment is void, a motion to
28 set it aside may be brought at *any time* and this Court certainly has the authority to set aside such an
order *sua sponte*. See *Garcia v. Ideal Supply Co.*, 110 Nev. 493, 495, 874 P.2d 752, 753 (1994), as
well as *Emmons v. State*, 107 Nev. 53, 807 P.2d 718 (1991) (court may review plain error *sua*
sponte).

1 Accordingly, the Court must give full faith and credit to the orders issued by
2 the Tribal Court.

3
4 **E. Any Orders Issued by This Court Relating to the Care and Custody
5 of the Minor Children Were Improper**

6 The heading of this section pretty much sums up Paula's argument in this
7 regard as the Court did not have jurisdiction to issue such orders.

8 **IV. CONCLUSION**

9 Based on the above, Paula respectfully requests the Court issue the following
10 orders:

- 11 1. Registering and giving full faith and credit to the *Grandparent*
12 *Custody and Visitation Order*, filed January 30, 2020 (Exhibit
13 "A" to *Registration of Foreign Custody Orders*, filed March 18,
14 2020), and the *Minute Order*, filed May 28, 2019 (Exhibit "B" to
15 *Registration of Foreign Custody Orders*, filed March 18, 2020),
16 in Case No. 2019-CC-004, in the Tribal Courts of the Hualapai
17 Tribe, Peach Springs, State of Arizona.
- 18 2. Denying Justin's improvident *Opposition* in its entirety.
- 19 3. Awarding Paula her attorney's fees and costs, to be established by
20 way of a subsequent *Memorandum of Fees and Costs* upon
21 request of the Court.

22 *****

23 *****

24 *****

25 *****

26 *****

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1 4. For such other and further relief as the Court deems just and
2 proper.

3 DATED this 6th day of July, 2020.

4 Respectfully Submitted By:
5 WILICK LAW GROUP

6 /s/ Trevor M. Creel

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DECLARATION OF PAULA BLOUNT

1
2 1. I, Paula Blount, declare that I am competent to testify to the facts
3 contained in the preceding filing.

4 2. I have read the preceding filing and I have personal knowledge of the
5 facts contained therein, unless stated otherwise. Further, the factual averments
6 contained therein are true and correct to the best of my knowledge, except those
7 matters based on information and belief, and as to those matters, I believe them to be
8 true.

9 3. The factual averments contained in the preceding filing are incorporated
10 herein as if set forth in full.

11
12 I declare under penalty of perjury under the laws of the State of
13 Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is
14 true and correct.

15 EXECUTED this 8th day of July, 2020.

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18 PAULA BLOUNT
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW GROUP and that on this 6th day of July, 2020, I caused the foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☐ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.

To the litigant(s) and attorney(s) listed below at the address, email address, and/or facsimile number indicated:

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EXHIBIT “H”

EXHIBIT “H”

EXHIBIT “H”



CLERK OF THE COURT

Stephanie Blount
Justin Blount
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Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

(HEARING REQUESTED)

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

SUPPLEMENTAL EXHIBITS TO PARENTS MOTION TO INVALIDATE

COMES NOW Parents, Justin Blount and Stephanie Blount, and hereby submits the attached documents as Exhibits.

Exhibit A: Orders Vacating Temporary Child Custody

Exhibit B: Adoption Decree

Exhibit C: Hualapai Custody orders from January 30, 2020

Exhibit D: May 3, 2019 Minutes from Adoption

Exhibit E: June 12, 2019 Minutes from Adoption

Exhibit F: Notice of Hearing December 30, 2019

1 Exhibit G: Motion and order in the Hualapai Tribal Court March 9, 2020


2 Exhibit H: Notice of Motion to Register Foreign Custody Orders

3 Exhibit I: Tribal orders from May 13, 2020

4 Exhibit J: Paternal Grandmother's Reply

5
6 DATED this 10 day of August, 2020.

7
8 Submitted by:

9
10 
Justin Blount

11
12 
Stephanie Blount

13 PO BOX 61521
14 Las Vegas, NV 89160
15
16
17
18
19
20

21 CERTIFICATE OF SERVICE

22 I hereby certify that on the 10 day of August, 2020, true and correct copies of the
document described as MOTION TO INVALIDATE served via registered mail with return
receipt requested, postage prepaid and addressed as follows:

23 Trevor Waite
24 6605 Grand Montecito Pkwy
25 Suite 200
26 Las Vegas, NV 89149
Father's counsel

27 Paula Blount
28 3834 E Lass Ave

Kingman, AZ 86409

Petitioner

Marshal S. Willick

3591 E. Bonanza Rd

Suite 200

Las Vegas, NV 89110

Paula's counsel

Candice Fox

2364 Wiki Way

Camp Verde, Arizona 86322

Paula's Counsel

Candice Fox

2364 Wiki Way

Camp Verde, Arizona 86322

For Gretchen Whatoname

Gretna and Wilfred Whatoname

PO Box 341

Peach Springs, AZ 86434

Petitioners

Candice Fox

2364 Wiki Way

Camp Verde, Arizona 86322

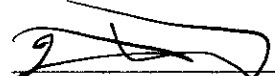
Gretna and Wilfred Whatoname's Counsel

Idella Keluche

PO Box 179

Peach Springs, AZ 86434

ICWA Coordinator

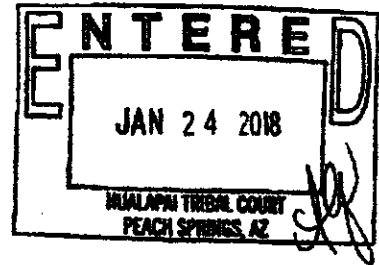

Stephanie Blount
Justin Blount

PO BOX 61521

Las Vegas, NV 89160

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EXHIBIT "A"



**THE HUALAPAI TRIBAL COURT
HUALAPAI INDIAN RESERVATION
PEACH SPRINGS, ARIZONA**

In the Marriage of:

Case No.: 2016-DOM-001

**Gretchen Whatoname,
Petitioner**

**ORDER VACATING
TEMPORARY CUSTODY
ORDER AND CHILD
SUPPORT ORDER**

And

**Justin Blount,
Respondent.**

The Court has been advised through Respondent's Ex Parte Motion for Dismissal and Orders filed with the Court on January 11, 2018, of the untimely death of Petitioner Gretchen Whatoname. At a hearing on June 26, 2017, attended by both parties and their legal counsels, the Court entered a decree and order of dissolution of marriage between the parties. In addition, the Court issued a Temporary Custody Order awarding temporary custody of the parties' two minor children to Petitioner pending final determination of child custody. At a previous hearing on June 14, 2016, Respondent was ordered to pay to Petitioner child support in the amount of \$75.00 per child, \$150.00 total monthly. Respondent requests that the temporary custody and child support orders be vacated and that the Court dismiss all pending matters and close the case.

The Court finds that no previous order has terminated Respondent's parental rights. Because Petitioner was awarded temporary custody of the children and has since deceased, custody of the children should be restored to Respondent and the temporary custody order should be vacated. Additionally, the prior child support order should also be vacated and Respondent's

1 child support obligation should be terminated. However, the Court notes that on April 18, 2017,
2 Respondent filed a Statement for Initial Hearing in which he requested that certain property
3 (without indicating whether such property was Respondent's sole property or was marital
4 property), allegedly in Petitioner's possession, be returned to him. The property was itemized in
5 Exhibit C attached to that filing. Respondent also requested distribution and allocation to
6 Petitioner of certain debts allegedly incurred by Petitioner during the marriage without
7 Respondent's approval and consent. Because these issues of distribution of debts and property
8 have not yet been resolved, and Respondent did not address those outstanding issues in his ex
9 parte motion, the Court finds it prudent to deny the request to close the case pending a formal
10 submission from Respondent addressing the remaining issues of property and debts.

11 **THEREFORE, IT IS THE ORDER OF THIS COURT that:**

12 1. The Temporary Custody Order entered June 26, 2017 and all subsequent orders
13 affirming and maintaining that order are hereby VACATED.

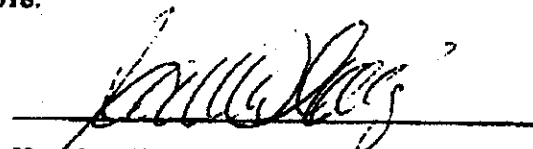
14 2. Legal and physical custody of Jeremiah Blount, d.o.b. 01/19/2010, and Kaydi Blount,
15 d.o.b. 02/19/2013, is restored to Respondent Justin Blount, the minors' biological father.

16 3. The Child Support Order entered June 14, 2016 and all subsequent orders affirming and
17 maintaining that order are hereby VACATED.

18 4. Respondent's child support obligation for the above-named children is terminated.

19 5. Upon the filing of a notice and/or motion from Respondent regarding his prior claims
20 concerning certain property and debts, the Court will consider such notice/motion summarily and
21 issue its ruling promptly.

22 **SO ORDERED** this 23rd day of January, 2018.

23
24 
25 Hon. Jan W. Morris, Chief Judge
26 Hualapai Tribal Court

27 I certify a copy was mailed this 24
day of January, 2018 to:

28 Candace Kane
2364 Wild Way
Camp Verde, AZ 86322-8566

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Keen Ellsworth, Esq.
777 N. Rainbow Blvd., Ste 270
Las Vegas, NV 89107-1187

by: *Quarta*

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EXHIBIT "B"

000310

☐ Other
☐ Dismissed - Want of Prosecution
☐ Involuntary (Statutory) Dismissal
☐ Default Judgment
☐ Transferred

☐ Substantive Withdrawal:
☐ Without Judicial Consent/Ag.
☒ With Judicial Consent/Ag.
☐ by ADR

Total Dispositions: _____
☐ Disposed After Trial Start ☐ Judgment Reached by Trial

1 requirement for a child welfare services investigation, and having examined the Petitioners under
2 oath, from which examination the Court finds that all of the allegations of said Petition are true; if
3 there are two Petitioners, they are married; the Petitioners have been residents of Clark County for at
4 least six months; the Petitioners are more than ten years older than the minor children; the Petitioners
5 are financially able to provide for he support and maintenance of the minor children; and it further
6 appearing to the satisfaction of the Court that the best interests of the children will be promoted by
7 this adoption; and it further appearing to the Court that there has been a full compliance with the
8 laws of the State of Nevada relating to adoptions and a full compliance with N.R.S. 127.220 to
9 127.310, inclusive.
10

11
12 **IT IS THEREFORE ORDERED** that the Petitioners JUSTIN BLOUNT and STEPHANIE
13 BLOUNT are declared the legal and/or adoptive parents of the following children: KAYDI ROSE
14 BLOUNT (DOB: 2/19/13) and JEREMIAH CALEB BLOUNT (DOB: 1/19/10).

15 **IT IS FURTHER ORDERED** that if a Petitioner has existing parental rights to the children,
16 those rights shall remain unaffected.

17 **IT IS FURTHER ORDERED** that the minor children's names shall not be changed.

18
19 **IT IS FURTHER ORDERED** that any other parent named on the children's birth
20 certificates shall be removed, and Petitioners' names shall appear on the birth certificate as the only
21 parents to the children

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ALVERSON TAYLOR & SANDERS
LAWYERS
6605 GRAND MONTECITO PARKWAY, SUITE 200
LAS VEGAS, NEVADA 89149
(702) 384-7000

1 **IT IS FURTHER ORDERED** that the minor children shall henceforth be regarded and
2 treated as Petitioner's natural children and have all the lawful rights as his/her own child, including
3 the rights of support, protection and inheritance.


4 DATED this 3 day of July, 2019.

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DISTRICT COURT JUDGE

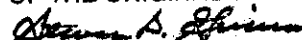
8 Respectfully Submitted by:

RENA G. HUGHES

9 ALVERSON TAYLOR & SANDERS

10
11 
12 KURT R. BONDS, ESQ.
13 Nevada Bar #6228
14 TREVOR R. WAITE, ESQ.
15 Nevada Bar #13779
16 6605 Grand Montecito Pkwy. Ste 200
17 Las Vegas, NV 89149
18 Attorneys for Petitioners

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26 CERTIFIED COPY
DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

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28 CLERK OF THE COURT

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EXHIBIT “C”

ENTERED

JAN 30 2020

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

1 HUALAPAI TRIBAL COURT
2 P.O. BOX #275
3 960 RODEO WAY
4 PEACH SPRINGS AZ 86434
5 PHONE: 928.769.2338
6 FAX: 928.769.2736

7 [HTTP://HUALAPAI-NSN.GOV/GOVERNMENT/TRIBAL-COURT/](http://hualapai-nsn.gov/government/tribal-court/)

8 **IN THE TRIBAL COURTS OF THE HUALAPAI TRIBE**
9 **PEACH SPRINGS, STATE OF ARIZONA**

10 In re the Custody/Visitation of

No. 2019-CC-004

11 JEREMIAH BLOUNT (DOB: 1/19/2010)
12 KAYDI BLOUNT (DOB: 2/19/2013)

13 Minor Children,

14 PAULA BLOUNT,

15 Grandmother/Petitioner,

16 vs.

17 JUSTIN BLOUNT,

18 Father/Respondent.

19 **GRANDPARENT CUSTODY AND VISITATION**
20 **ORDER**

(Hon. Kaniataritio Jesse Gilbert)

21 A Motions Hearing was conducted on January 30, 2020, at 0830hrs. The presiding judge is
22 Hon. Kaniataritio Jesse Gilbert (for Hon. Rudy Clark Jr.); clerk is Tawnya Shongo. A recording of
23 the proceedings is made in lieu of a court reporter. The Petitioner is present and is represented by
24 Advocate Candace Fox; Respondent is NOT present, nor is Respondent's counsel of record -
25 Trevor Waite of the firm of Alverson, Taylor & Sanders (Las Vegas, NV). *The Petitioner
confirmed their address as PO Box #6856, Kingman AZ 86402/3834 E. Lass Avenue,
Kingman AZ 86409.*

26 This Court has exercised jurisdiction over these children, who are enrolled members of the
27 Hualapai Tribe, since the original petition for custody was filed by the children's mother on
28 February 26, 2019. The Petition noted child dependency proceedings occurring in the state courts
29 of Nevada. This Court has since continued to exercise jurisdiction over these children.

Paula Blount v. Justin Blount, 2019-CC-004

Page 1

000314

1 On December 9, 2019, the Petitioner filed a Petition for Grandparents Visitation Rights
2 pursuant to Chapter 20 of the Hualapai Law & Order Code. The matter was set for a Motion
3 Hearing, and Notice was e-mailed to the Respondent's counsel of record on December 30, 2019, at
4 1549hrs. The Clerk reports that there has been no returned-e-mail as undeliverable. The Court
5 does note, however, that there are errors in the Notice, specifically the caption is mistakenly
6 captioned as "Waite, Trevor v. Blount, Justin/Whatoname, Gretchen" and the date on the Notice is
7 listed as February 26, 2019. It does, however, give notice of a Motion Hearing on today's date at
8 0900hrs, and Mr. Waite could have contacted the Court to seek clarification.

9 "If the defendant fails to appear at any pre-trial proceeding or at the trial of a civil
10 matter...without cause, judgment may be entered for the plaintiff by default." Hual.Civ.P.C. §
11 4.13(A)(2). This matter was set for 0900hrs. It was initially called at approximately 0903hrs. As is
12 the standard practice of this Court, the absent party was given a fifteen (15) minute courtesy period
13 to arrive in a substantive hearing. At 0915hrs, the Court noted that the Respondent had still not
14 appeared and entertained motions. Ms. Fox moved for default judgment, which was granted, and
15 the terms requested in the Petition shall be awarded. The Respondent may appeal this decision by
16 exercising his rights under Chapter 10 of the Hualapai Law & Order Code within thirty (30) days of
17 the date of this Order.

18 *The Court noted that since this is a Tribal Court Order, that in order to ensure its*
19 *enforceability in the State of Nevada, then the Petitioner may wish to domesticate this*
20 *Order in Nevada.*

21 **THEREFORE, IT IS HEREBY ORDERED that:**

- 22 1. This Court has jurisdiction over this child custody proceeding because the child is an
23 enrolled member of the Hualapai Tribe or is eligible for membership, Hual.Dom.Rel.C. §
24 12.29(A)(1), Hual.Grandparents.Rts.C. § 20.4(A)(a);
- 25 2. The Petitioner's Motion is hereby GRANTED BY DEFAULT, Hual.Civ.P.C. § 4.13(A)(2),
Hual.Grandparents.Rts.C. § 20.9;
3. The Respondent (Justin Blount) is awarded Joint-Legal and Joint-Physical custody of the
following minor children:
 - a. Jeremiah Blount (DOB: 1/19/2010);
 - b. Kaydi Blount (DOB: 2/19/2013);
4. The Petitioner, Paula Blount, is awarded Joint-Legal and Joint-Physical custody of these
same minor children for the periods during which custody and visitation is awarded;

1 5. Grandparent Custody and Visitation Schedule: The Petitioner is awarded custody and
2 visitation time with these children under the following terms and conditions, and in the
3 terms stated:

4 a. Every other weekend, beginning on Fridays at 1600hrs (Nevada Time) and ending
5 on Sundays at 1800hrs (Nevada Time), starting on Friday, February 7, 2020, and
6 alternating every other weekend thereafter;

7 b. The Months of June and July in every year, beginning on June 1, at 1700hrs (Nevada
8 Time) and ending on July 31, at 1800hrs (Nevada Time);

9 c. Christmas breaks in every even-numbered year, beginning on December 24, Even-
10 Year, at 1700hrs (Nevada Time) and ending on January 3, Odd-Year, at 1800hrs
11 (Nevada Time);

12 d. Telephonic Visitation: The Petitioner is awarded telephonic visitation with the
13 children on:

14 i. Every Wednesday, at 1800hrs (Nevada Time); and

15 ii. Sundays when the Petitioner does not have custody/visitation with the
16 children, at 1500hrs (Nevada Time);

17 iii. The telephone calls shall not be monitored or conducted on speakerphone;

18 iv. The Petitioner shall be responsible for making the phone calls to the children
19 and bear the costs;

20 v. During June and July when the children are with the Petitioner, the
21 Respondent (Justin Blount) shall have reciprocal telephonic visitation rights
22 under the same terms and conditions outlined above;

23 e. Pick Up & Drop-Off: The Petitioner, Paula Blount, shall be responsible for picking
24 up the children and returning the children to their father pursuant to the visitation
25 schedule outlined above, and bear the costs of travel;

f. Visitation Location: The Petitioner, Paula Blount, may exercise her visitation with
the children at her residence at 3834 E. Lass Avenue, Kingman, Arizona, 86409;

i. If the Petitioner intends to spend significant visitation time (i.e., overnight)
with the children in some other location, then the Petitioner shall ensure that
the Respondent (Justin Blount) is aware of the location and has the ability to
communicate with the Petitioner during those periods;

1 g. Failure to abide by the terms of this Order may result in an Order to Show Cause
2 Hearing and if found in contempt of court, the result may be imprisonment for a
3 period not to exceed 30 days, a fine of up to \$500.00, or both, Hual.Civ.Contempt.C.
4 § 8.1, § 8.2;

5 6. As this award was granted by Default Judgment, the Respondent maintains his right to
6 appeal this Order to the Hualapai Court of Appeals by filing a Notice of Appeal within thirty
7 (30) days of the date of this Order, Hual.Ct.App.P.C. § 10.3, § 10.4;

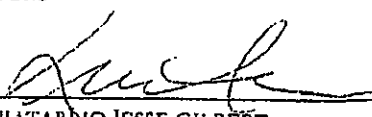
8 7. No Badmouthing: Both Parties are ordered not to badmouth the other party to the Minor
9 Children at all times;

10 8. Mutual Modification: this Order may be modified by mutual agreement between the Parties;






11 9. The Parties are advised that "[n]o motion to modify a custody decree may be made earlier
12 than one year after its date, unless the Court permits it to be made on the basis of affidavits
13 that there is reason to believe the child's present environment may endanger his physical,
14 mental, or emotional health, safety or welfare, Hual.Dom.Rel.C. § 12.31(B).

15 ORDERED on this 30th day of January, 2020.

16 HUALAPAI TRIBE
17 TRIBAL COURT

18 
19 HON. KANIATARCIO JESSE GILBERT

20 Copies of the foregoing mailed/delivered this date to:

21  Clerk of the Court (Original)
22  Candace Fox – 2364 Wiki Way, Camp Verde AZ 86322.
23  Paula Blount – PO Box #6856, Kingman AZ 86402 (Certified Copy).
24  Trevor Waite – Alverson, Taylor & Sanders, 6605 Grand Montecino Parkway, Suite 200, Las Vegas NV 89149.
25  Justin Blount – 100 N. Wallace Dr., Bldg 12 #156, Las Vegas NV 89107.

26 By: 

27 I hereby certify that this is
28 a true and correct copy of the
29 instrument on file in the court
30 of the Hualapai Tribe.

31 
32 Court Clerk
33 Hualapai Tribal Court

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EXHIBIT “D”

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Adoption Petition**COURT MINUTES****May 03, 2019**

D-19-582179-A

In the Matter of the Petition for Adoption by:
Justin Craig Blount, Stephanie Ann Blount, Petitioner(s).

May 03, 2019**9:00 AM****Minute Order****HEARD BY:** Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Connie Kalski**PARTIES:**

Jeremiah Blount, Subject Minor, not present

Justin Blount, Petitioner, not present

~~Kurt Bonds~~, Attorney, not present

Kaydi Blount, Subject Minor, not present

Stephanie Blount, Petitioner, not present

Kurt Bonds, Attorney, not present

JOURNAL ENTRIES

Minute order entered at the request of Department J's Law Clerk via e-mail received at 9:12 a.m. 5/3/19.

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

On April 17, 2019 the Court held a hearing on the Hualapai Nation's Motion to Intervene Pursuant to the ICWA. At the time of the hearing, ICWA Coordinator Idella Keluche withdrew the Hualapai Nation's request to intervene, based on the Petitioner's Opposition reflecting information that ICWA does not apply. Additionally, Keluche conceded that the Petitioner's Opposition had merit and ICWA does not apply in this particular case, but that the tribe objects to the adoption based upon legal proceedings in Tribal Court.

PRINT DATE:	05/03/2019	Page 1 of 2	Minutes Date:	May 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

At the hearing, the Court Ordered Keluche to inform the Hualapai Tribe's attorney to file a brief regarding what has occurred in the Tribal Court proceedings, what legal action has taken place, and why the Tribe believes it has jurisdiction to enter the custody Orders it had recently entered.

The Court is hereby Ordering the Hualapai Tribe's attorney to file their brief, with points and authorities, within 20 days. The tribal attorney must be licensed to practice law in Nevada or be admitted pro hac vice. After being served with the Hualapai Tribe's brief, Petitioners shall have ten days to file a response. An In Chambers Status Check shall be scheduled for June 12, 2019 for the Court to review and consider the Hualapai Tribe's brief and the Petitioners' Response.

FUTURE HEARINGS: June 12, 2019 3:00 AM Status Check
Courtroom 04
Hughes, Rena G.
Skaggs, Tiffany

PRINT DATE:	05/03/2019	Page 2 of 2	Minutes Date:	May 03, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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EXHIBIT "E"

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Adoption Petition**COURT MINUTES**

June 12, 2019

D-19-582179-A

In the Matter of the Petition for Adoption by:
Justin Craig Blount, Stephanie Ann Blount, Petitioner(s).

June 12, 2019

3:00 AM

Status Check

HEARD BY: Hughes, Rena G.**COURTROOM:** Courtroom 04**COURT CLERK:** Tiffany Skaggs**PARTIES:**

Jeremiah Blount, Subject Minor, not present

Justin Blount, Petitioner, not present

Kurt Bonds, Attorney, not present

Kaydi Blount, Subject Minor, not present

Stephanie Blount, Petitioner, not present

Kurt Bonds, Attorney, not present

JOURNAL ENTRIES

- MINUTE ORDER: NO HEARING HELD AND NO APPEARANCES

IC Decision 6/12/19

D-19-582179-A

Blount v Blount

NRCP 1 and EDCR 1.10 state that the procedure in district courts shall be administered to secure efficient, speedy, and inexpensive determinations in every action. Pursuant to EDCR 2.23(c) and 5.501(b), this Court can consider a motion and issue a decision on the papers at any time without a hearing. Further, pursuant to EDCR 2.20(c), this Court can grant the requested relief if there is no opposition timely filed.

This matter came on for consideration on the Court's in chambers calendar for a status check on the Hualapai Nation's brief and the Petitioner's response to brief. On May 3, 2019 a Minute Order was entered Ordering the Hualapai Tribe's attorney to file a brief regarding what has occurred in the

PRINT DATE:	06/12/2019	Page 1 of 2	Minutes Date:	June 12, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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Tribal Court proceedings, what legal action has taken place, and why the Tribe believes it has jurisdiction to enter the custody Order it had recently entered. The Hualapai Tribe was Ordered to file their brief, with points and authorities, within 20 days. Upon service of the brief, Petitioners were granted ten days to file a response.

The Court finds that the Hualapai Tribe has failed to file and serve their brief. On May 30, 2019 Petitioners filed a Notice of Non-Opposition and Request for Expedited Prove Up Hearing.

The Court is hereby setting the matter for a prove up hearing on the Petitioner s request for adoption. The hearing shall take place on July 3, 2019 at 10:00AM.

Clerk's note, a copy, of today's minute order was mailed, to the parties and counsel, at the addresses, on file.

INTERIM CONDITIONS:

FUTURE HEARINGS:

July 03, 2019 10:00 AM Hearing for Prove Up/Default
Courtroom 04
Hughes, Rena G.
Skaggs, Tiffany

PRINT DATE:	06/12/2019	Page 2 of 2	Minutes Date:	June 12, 2019
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

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EXHIBIT “F”

**IN THE HUALAPAI TRIBAL COURT
HUALAPAI RESERVATION, STATE OF ARIZONA**

WAITE, TREVOR,

PLAINTIFF,

VS.

**BLOUNT, JUSTIN,
WHATONAME, GRETCHEN,**

RESPONDENT,

Case No. 2019-CC-004

NOTICE OF HEARING

TO: WAITE, TREVOR

**You are hereby notified that the above entitled matter is scheduled for an MOTION HEARING
on 30th day of January, 2020 at 09:00 AM.**

You are further notified that it is your right to be represented by legal counsel at your own expense.

Your failure to appear at the above mentioned date and time without good cause may result in an order to show cause issued against you or a dismissal of this case.

DATED THIS 26th day of February, 2019


Clerk of Court

VERIFICATION OF SERVICE

SERVED TO: EMAIL: TWAITE@ALVERSONTAYLOR.COM

SERVED BY: TAWNIA SHONGO

DATE/TIME: 12/30/19 @ 3:49

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EXHIBIT "G"

IN THE HUALAPAI TRIBAL COURT
HUALAPAI RESERVATION, ARIZONA

W. Blount
Blount

Plaintiff

Respondant

CASE NO.

MOTION AND ORDER

2019-CC-004

I HEREBY MOVE the Honorable Court to: (Be specific)

Submitted this _____ day of _____, 20____

Movant

I certify that on the _____ day of _____, 20____

I [] delivered [] mailed a copy of this Motion to

By: _____

ENTERED

NOTE: THIS MOTION IS NOT GRANTED UNTIL ORDERED BY A JUDGE

MAR - 9 2020

Upon reading said motion, and giving opposing party(ies) opportunity to be heard, IT IS HEREBY ORDERED:

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

() Granting / denying the motion

(☒) Setting the matter for *Initial Motion* hearing on *March 25, 2020* at *10:00* am pm

() IT IS FURTHER ORDERED AS FOLLOWS:

SO ORDERED this *9th* day of *March*, 20*20*

Tribal Court Judge

I certify that on the *12th* day of *March*, 20*20* *Carlyce Fox*

I [] delivered [☒] mailed a copy of this Motion to:

*2304 Wilk Way
Camp Verde AZ 86322*

*Paula Blount
P.O. Box 6850
Kingman AZ 86402*

By: *Jannika Shingo*

*Justin Blount
100 N Wallace Dr. Bldg 12
Las Vegas, NV 89107*

*Trevor Waite
Alyson Taylor & Sanders
6605 Grand Montecito Parkway Suite 200
Las Vegas, NV 89149*

*Gineta + Wilfred Wihataname
P.O. Box 211
Peach Springs, AZ 86431*

*KB
2/6/20
OK*

000327

1 Candace Fox
2 2364 Waka Way
3 Camp Verde, AZ. 86322
4 928-594-6970 phone
5 Email: najah@yahoo.com

HUALAPAI TRIBAL
COURT

2020 MAR -9 A 8 41

FILED

IN THE HUALAPAI TRIBAL COURT
HUALAPAI INDIAN RESERVATION, STATE OF ARIZONA

7 GRETNA AND WILFRED WHATONAME) Case No.: 2019-CC-004
8 JR.)
9 Petitioners,) MOTION TO AMEND CUSTODY ORDER
10 VS.) TO INCLUDE PATERNAL
11 JUSTIN BLOUNT,) GRANDPARENT
12 Respondent)
13 Concerning: KAYDIE AND JEREMIAH
14 BLOUNT, child

15
16 Undersigned counsel hereby makes this Motion to hold a hearing to amend to custody order
17 issued to the maternal grandparents to include the paternal grandmother Paula Blount, so
the grandparents can share custody of the children.

18 The custody was awarded to maternal grandparents however, the Respondent has failed to
19 surrender the children.

20 Parties are requesting a hearing to add paternal grandmother Paula Blount to share custody
21 of the grandchildren.

22 Submitted this 6th day of March 2020.

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25 A copy will be forwarded to opposing party via US Postal service on this day



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EXHIBIT “H”

Steven D. Grierson

1 **NOTC**
2 **WILICK LAW GROUP**
3 **MARSHAL S. WILICK, ESQ.**
4 Nevada Bar No. 2515
5 3591 E. Bonanza Road, Suite 200
6 Las Vegas, NV 89110-2101
7 Phone (702) 438-4100; Fax (702) 438-5311
8 email@willicklawgroup.com
9 Attorney for *Petitioner*

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DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the Custody Visitation of
JEREMIAH BLOUNT (DOB:
1/19/2010); KAYDI BLOUNT (DOB:
2/19/2013)

CASE NO: D-20-605933-F
DEPT. NO: F

Minor Children,
PAULA BLOUNT,
Grandmother/Petitioner,

vs.
JUSTIN BLOUNT,
GRETCHEN WHATONAME,

Father/Respondent.

DATE OF HEARING: N/A
TIME OF HEARING: N/A

NOTICE OF FILING REGISTRATION OF FOREIGN CUSTODY ORDER

TO: JUSTIN BLOUNT, Father/Respondent in Proper Person.

TO: GRETCHEN WHATONAME, Respondent in Proper Person

PLEASE TAKE NOTICE that the Petitioner, Paula Blount, has filed a
"Registration of Foreign Custody Order," a copy of which is attached as "Exhibit

1 A," on the 18th day of March, 2020, in the above referenced case, in the Eighth
2 Judicial District Court, Clark County, Nevada.

3 Pursuant to NRS 125A.465, and NRS 130.605, **PLEASE TAKE NOTICE**
4 that:

- 5 1. A registered determination is enforceable as of the date of the registration in the
6 same manner as a determination issued by a court of this State.
- 7 2. You have 20 days from the receipt of this filing to request a hearing to contest the
8 validity of the registered determination.
- 9 3. Failure to contest the registration will result in confirmation of the *Grandparent*
10 *Custody and Visitation Order* filed January 30, 2020, in the Trial Courts of the
11 Hualapai Tribe, Peach Springs, State of Arizona, Case No. 2019-CC-004, and
12 *Minute Order*, filed on May 28, 2019, in the Trial Courts of the Hualapai Tribe,
13 Peach Springs, State of Arizona, Case No. 2019-CC-004, and preclude further
14 contest of the determination with respect to any matter that could have been
15 asserted.

16 *****

17 *****

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21 *****

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26 *****

1 Pursuant to NRS § 17.360 et seq., the mailing address for the
2 Father/Respondent, Justin Blount, PO Box 1754, Las Vegas, Nevada 89125 and 100
3 N. Wallace Drive Bldg 12 #156, Las Vegas, Nevada 89107; Respondent Ms.
4 Gretchen Whatoname c/o. Candace Fox 2364 Wiki Way, Camp Verde, Arizona
5 86322. The mailing address for Petitioner, Paula Blount, is 3834 E. Lass Avenue,
6 Kingman, Arizona 86409.

7 DATED this 18th day of March, 2020.

8 Respectfully Submitted By:

9 ~~WILICK LAW GROUP~~

10 

11 ~~MARSHAL S. WILICK, ESQ.~~

12 Nevada Bar No. 2515

13 TREVOR M. CREEL, ESQ.

14 Nevada Bar No. 11943

15 3591 East Bonanza Road, Suite 200

16 Las Vegas, Nevada 89110

17 Attorneys for *Petitioner*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 18th day of March, 2020, I caused the above and foregoing document to be served as follows:

- ☐ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.
- ☐ By First Class, Certified U.S. Mail.

To the address, email address, and/or facsimile number indicated below:

Mr. Justin Blount
100 N. Wallace Drive Bldg 12 #156
Las Vegas, Nevada 89107
Respondent in Proper Person

Mr. Justin Blount
P.O. Box 1754
Las Vegas, Nevada 89125
Respondent in Proper Person

Ms. Gretchen Whatoname
c/o Candace Fox
2364 Wiki Way
Camp Verde, Arizona 86322
Counsel for Respondent


An Employee of the WILICK LAW GROUP

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EXHIBIT "I"

ENTERED

IN THE HUALAPAI JUVENILE COURT
HUALAPAI RESERVATION, ARIZONA

IN THE MATTER OF:

JEREMIAH BLOUNT,

DOB: 01/19/2010

A Minor

Case No. 2019-CC-004

MINUTE ORDER

MAY 13 2020

HUALAPAI TRIBAL COURT
PEACH SPRINGS, AZ

The following proceeding or action occurred on the 13th day of May, 2020 at 10:00 AM in this Court:

For a/an Motion Hearing/Telephonic appearance

Persons present were: X Plaintiff: Gretna & Wilfred Whatoname
X Plaintiff counsel: C. Fox
____ Parent(s)/Respondent: Justin Blount
____ Respondent counsel: Trevor Waite
X Other: Paula Blount

Evidence/Action: RESPONDENT'S ARE NOT PRESENT AND WERE PROPERLY SERVED W/NOTICE. PLAINTIFF'S COUNSEL PRESENTS MOTION TO INCLUDE PAULA BLOUNT IN THE PETITION.

The Court found and ordered: GRANTS MOTION BY DEFAULT AND INCLUDES PAULA BLOUNT IN THE AMENDED PETITION W/SHARED CUSTODY BETWEEN GRANDPARENTS. PLAINTIFF'S COUNSEL SHALL PROVIDE THE COURT W/A PROPOSED ORDER.

Tribal Prosecutor is directed to prepare and submit disposition recommendations by ____

The Court further ordered all parties, counsel, and interested persons to appear before the Court for a ____ on ____ at ____

Date: May 13, 2020


Tribal Court Judge

I certify that I have distributed copies to: ☒ Prosecutor ☐ Minor's Counsel ☒ Parent(s) ☒ Minor ☐ HJDR ☐ Probation ☐ Other: _____
by _____ on 05/13/2020 (Revised 1/2016)

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EXHIBIT "J"



ROPP
WILICK LAW GROUP
MARSHAL S. WILICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Paula Blount

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

In re the Custody/Visitation of
JEREMIAH BLOUNT (DOB: 1/19/2010)
KAYDI BLOUNT (DOB: 2/19/2013)

Minor Children,

PAULA BLOUNT,

Grandmother/Petitioner,

vs.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,

Parent(s)/Respondents.

CASE NO: D-20-605933-F
DEPT. NO: J

DATE OF HEARING: N/A
TIME OF HEARING: N/A

**PATERNAL GRANDMOTHER'S REPLY TO
"FATHER'S OPPOSITION TO REGISTRATION OF FOREIGN
CUSTODY ORDER"**

I. INTRODUCTION

The crux of Justin's entire *Opposition* rests upon his contention that the Hualapai Tribal Court somehow relinquished jurisdiction to the State of Nevada regarding the above referenced Native American minor children, Jeremiah Blount (age 10) and Kaydi Blount (age 7). Indeed, he argues that the Tribal Court "both

1 explicitly and impliedly”¹ relinquished its exclusive, continuing child custody
2 jurisdiction while failing to cite to *any* order from the Tribal Court in which such a
3 relinquishment was *ever* made.

4 Frankly, it is intellectually dishonest for Justin to even make such an argument
5 considering that he, at both the district court and appellate levels in Nevada,
6 continually asserted the sovereign rights of the Hualapai Tribe, that the Tribal Court
7 was the *only* Court capable of making decisions involving the care and custody of the
8 children as it had “not relinquished jurisdiction over Justin or the two eldest
9 children”,² and that Paula was attempting to avoid appearing before the Tribal Court
10 to address her grandparent visitation. In other words, and through his improvident
11 adoption *Petition*, Justin did the very thing he falsely accused his mother of
12 attempting.

13 What follows is a detailed rendition of the facts and circumstances leading up
14 to the submission of Paula’s *Registration* request to ensure the record is complete, as
15 Justin’s revisionist interpretation of the parties’ history is not even remotely accurate,
16 coupled with limited argument.

17 18 POINTS AND AUTHORITIES

19 II. STATEMENT OF FACTS

20 Petitioner, Paula Blount, is the paternal grandmother to the subject minors
21 referenced above, i.e., Jeremiah Blount, born January 19, 2010, and Kaydi Blount,
22 born February 19, 2013.³

23
24
25 ¹ As this Court is undoubtedly aware, a court cannot “impliedly” relinquish its child custody
jurisdiction.

26 ² See Exhibit “1”, *Answering Brief*, filed February 8, 2019, with the Nevada Supreme Court,
27 page 8.

28 ³ Both Jeremiah and Kaydi are registered members of the Hualapai Tribe, which is a federally
recognized Indian Tribe located on the Hualapai Indian Reservation in Northwestern Arizona.

1 Justin Blount is the Petitioner's son, and Gretchen Whatoname was the minor
2 children's biological mother. Gretchen passed away on December 27, 2017.

3 As the Court probably surmised in reviewing Justin's extensive, if inaccurate
4 history of this case in his *Opposition*, the parties' historical relationship was/is very
5 contentious and there has been considerable conflict over the years. Notwithstanding
6 their tortured background, we believe it important to lay out the parties' history to
7 ensure this Court has an accurate picture of what has transpired with regard to these
8 children over the past few years.

9 Gretchen and Justin's relationship was a tumultuous one. Justin was arrested
10 for domestic violence against Gretchen following the birth of his second child.
11 Because his domestic violence occurred on a reservation, it constituted a federal
12 offense and he was sentenced to four months in jail. Upon his release from jail, Justin
13 was ordered to a half way house for six months and subsequently obtained a small
14 apartment in Flagstaff. While still married to Gretchen, Justin engaged in an affair
15 with his current spouse that resulted in the birth of his third child in March, 2016.

16 Prior to Justin cutting off contact between the minor children and their
17 grandmother, Paula regularly cared for the minor children and was effectively their
18 primary caregiver for many years prior to their removal from her care in late 2017.
19 That fact was cemented following Justin's arrest and subsequent incarceration,
20 wherein Gretchen left the children with Paula to provide their exclusive care. Given
21 the substantial time Paula spent with the children, the children developed a significant
22 bond with her and saw her as more of a maternal figure than a grandmother. For
23 some reason, this reality always bothered Justin and it was only exacerbated upon
24 Justin marrying his current wife.

25 Several months prior to Gretchen's passing on December 27, 2017, she initiated
26 divorce proceedings against Justin in The Hualapai Tribal Court. At a hearing held
27 in the Tribal Court on June 26, 2017, which was attended by Justin, Gretchen, and
28 their counsel, the Tribal Court entered a decree and order of dissolution of marriage

1 between the parties. In addition, the Court issued temporary custody orders awarding
2 Gretchen primary physical custody of the children pending final determination.

3 Immediately after Gretchen's death, Gretna and Wilfred Whatoname, the
4 maternal grandparents of Jeremiah and Kaydi, petitioned the Tribal Court for an order
5 awarding them temporary custody of the children. Justin opposed the maternal
6 grandparents' request and the Court issued a summary determination on December
7 29, 2017, wherein it denied their request and determined that because Gretchen was
8 now deceased, custody of the children must be restored to Justin.

9 To that end, Justin took custody of the children on December 29, 2017, and
10 immediately relocated the children from Peach Springs, Arizona to Las Vegas,
11 Nevada. In an effort to obtain a more formal order relating to his legal and physical
12 custody, Justin submitted an *Ex Parte Motion for Dismissal and Orders* with the
13 Tribal Court on January 11, 2018, in which he requested, in light of Gretchen's death,
14 that he receive legal and physical custody of the children. As the submission was *ex*
15 *parte*, a default order was effectively entered by the Tribal Court in ordering that
16 "Legal and physical custody of Jeremiah Blount, d.o.b. 01/19/2010, and Kaydi
17 Blount, d.o.b. 02/19/2013, is restored to Respondent Justin Blount, the minors'
18 biological father."⁴

19 On May 18, 2018, Paula filed a *Petition for Grandparent Visitation* with this
20 Court. Justin opposed that *Petition* and moved the Court to dismiss Paula's *Petition*
21 on the basis that it lacked subject matter jurisdiction, and that the Hualapai Tribal
22 Court was the **only** Court allowed to issue orders relating to the care and custody of
23 the minor children as it retained ***continuing, exclusive jurisdiction***.

24 The parties subsequently appeared before the Court on July 25, 2018, at which
25 time the Court specifically found, of relevance to these proceedings,
26

27
28 ⁴ *Order Vacating Temporary Custody Order and Child Support*, filed January 24, 2018. At
no point in time was the custody action ever dismissed.

1 THE COURT HEREBY FINDS that the Hualapai Tribe has exercised
2 jurisdiction over the two older children [Jeremiah and Kaydi] in two separate
3 proceedings. As such, the Hualapai Tribe has continuing, exclusive
4 jurisdiction over the children.⁵

5 Paula filed a *Notice of Appeal* and *Case Appeal Statement* on August 24, 2018.
6 Following substantial briefing, the Nevada Supreme Court issued an *Order of*
7 *Affirmance* on September 16, 2019, denying Paula's appeal.

8 While the appeal was pending, and without notice to Paula, Justin and his wife,
9 Stephanie Blount, filed a *Petition for Adoption* on January 3, 2019. Shortly after the
10 Hualapai Tribe was notified of Justin and Stephanie's *Petition for Adoption*, it filed
11 a *Motion to Intervene* in the Nevada adoption on the premise that it was the only
12 Court with jurisdiction to issue orders relating to the care and custody of the minor
13 children (effectively echoing what Justin had argued both at the district court and
14 Supreme Court months earlier).

15 In addition, Gretna and Wilfred Whatoname, the maternal grandparents of
16 Jeremiah and Kaydi, filed a *Petition* in the Tribal Court to obtain temporary custody
17 of the children in light of Justin and Stephanie's neglect of the children. On February
18 27, 2019, the Hualapai Tribal Court, the only Court with jurisdiction to issue orders
19 relating to the custody of the children, issued an order granting Gretna and Wilfred
20 custody of the children. The Tribal Court subsequently issued a *Minute Order* on
21 May 28, 2019, again granting them custody of the children with the additional
22 requirement that Justin return the children to their maternal grandparents.

23 Notwithstanding that reality, and the Tribal Court's vehement objection to any
24 adoption occurring in Nevada in light of the ICWA and the fact that child custody
25 proceedings were ongoing in the Hualapai Tribal Court, Justin and Stephanie pressed
26 forward with their inappropriate *Petition for Adoption*. As a result, an adoption
27 hearing was held and a purported *Decree of Adoption* was filed with this Court on

28 ⁵ See *Findings of Fact, Conclusions of Law, and Order From July 25, 2018 Hearing*, filed
August 16, 2018, page 2, lines 4-6.

1 July 3, 2019. No indication was provided by Justin that this *Decree of Adoption* was
2 ever actually served on all interested parties, like the maternal grandparents who
3 technically had custody of the children by way of a lawful order issued by the only
4 Court capable of making custody orders.

5 On December 9, 2019, Paula filed a *Petition* in the Hualapai Tribal Court
6 seeking grandparent visitation. The *Notice of Hearing* relating to Paula's *Petition*
7 was provided to all interested parties.⁶

8 Paula then appeared before the Tribal Court on January 30, 2020, wherein it
9 issued a *Grandparent Custody and Visitation Order*. In that *Order*, the Tribal Court
10 found and ordered as follows:

11 This Court has exercised jurisdiction over these children, who are
12 enrolled members of the Hualapai Tribe, since the original petition for custody
13 was filed by the children's mother on February 26, 201[7].⁷ This Court has
14 since continued to exercise jurisdiction over these children.⁷

15 On December 9, 2019, the Petitioner filed a Petition for Grandparents
16 Visitation Rights pursuant to Chapter 20 of the Hualapai Law & Order Code
17 The matter was set for a Motion Hearing, and Notice was e-mailed to the
18 Respondent's counsel of record on December 30, 2019, at 1549 hrs. The Clerk
19 reports that there has been no returned e-mail as undeliverable. The Court
20 does not, however, that there are errors in the Notice, specifically the caption
21 is mistakenly captioned as "Waite, Trevor v. Blount, Justin/Whatoname,
22 Gretchen" and the date on the Notice is listed as February 26, 2019. It does
23 however, give notice of a Motion Hearing on today's date at 0900 hrs, and Mr.
24 Waite could have contacted the Court to seek clarification.⁸

25 As a result of those findings, the Tribal Court awarded Paula joint legal and
26 physical custody of the minor children pursuant to a specific schedule to which Justin
27 has failed to even acknowledge, let alone follow. So as to pursue enforcement of the
28

29 ⁶ Justin's counsel claims that he provided "notice" to the Tribal Court that he was no longer
30 Justin's counsel of record in those proceedings by submitting a "letter" to the Tribal Court. Of
31 course, he failed to actually file a Notice of Withdrawal or supply any documentation indicating that
32 he formally withdrew from that matter.

33 ⁷ *Grandparent Custody and Visitation Order*, filed January 20, 2020, page 1, lines 23-25.

34 ⁸ *Id.*, page 2, lines 1-7.

1 clear and unambiguous custody orders issued by the Tribal Court, Paula filed her
2 *Registration of Foreign Custody Orders* on March 18, 2020.

3 Justin, through counsel, accepted service of Paula's *Registration* on April 6,
4 2020. Justin filed an *Opposition* to Paula's *Registration* on April 30, 2020. Justin
5 has never submitted a request for hearing.

6 This *Reply* follows.

7
8 **III. REPLY TO OPPOSITION**

9 **A. The Tribal Court Custody Orders are Fully Enforceable and Must**
10 **be Given Full Faith and Credit by This Court**

11 NRS 125A.465 provides, in relevant part,

12 1. A child custody determination issued by a court of another state may
13 be registered in this state, with or without a simultaneous request for
enforcement, by sending to a court of this state which is competent to hear
custody matters:

14 (a) A letter or other document requesting registration;

15 (b) Two copies, including one certified copy, of the determination
16 sought to be registered, and a statement under penalty of perjury that to the
best of the knowledge and belief of the person seeking registration the order
has not been modified; and

17 (c) Except as otherwise provided in NRS 125A.385, the name and
18 address of the person seeking registration and any parent or person acting as
19 a parent who has been awarded custody or visitation in the child custody
determination sought to be registered.

20 2. On receipt of the documents required by subsection 1, the registering
21 court shall cause the determination to be filed as a foreign judgment, together
with one copy of any accompanying documents and information, regardless of
their form.

22 3. The registering court shall provide the persons named pursuant to
23 paragraph (c) of subsection 1 with an opportunity to contest the registration in
accordance with this section.

24 4. The person seeking registration of a child custody determination
25 pursuant to subsection 1 shall serve notice, by registered or certified mail,
26 return receipt requested, upon each parent or person who has been awarded
custody or visitation identified pursuant to paragraph (c) of subsection 1.

27 5. The notice required by subsection 4 must state that:
28

1 (a) A registered determination is enforceable as of the date of the
2 registration in the same manner as a determination issued by a court of this
3 state;

4 (b) A hearing to contest the validity of the registered determination
5 must be requested within 20 days after service of notice; and

6 (c) Failure to contest the registration will result in confirmation of the
7 child custody determination and preclude further contest of that determination
8 with respect to any matter that could have been asserted.

9 6. A person seeking to contest the validity of a registered order must
10 request a hearing within 20 days after service of the notice. At that hearing, the
11 court shall confirm the registered order unless the person contesting
12 registration establishes that:

13 (a) The issuing court did not have jurisdiction pursuant to NRS
14 125A.305 to 125A.395, inclusive;

15 (b) The child custody determination sought to be registered has been
16 vacated, stayed or modified by a court having jurisdiction to do so pursuant to
17 NRS 125A.305 to 125A.395, inclusive; or

18 (c) The person contesting registration was entitled to notice, but notice
19 was not given in accordance with the standards of NRS 125A.255, in the
20 proceedings before the court that issued the order for which registration is
21 sought.

22 7. If a timely request for a hearing to contest the validity of the
23 registration is not made, the registration is confirmed as a matter of law and the
24 person requesting registration and all persons served must be notified of the
25 confirmation.

26 8. Confirmation of a registered order, whether by operation of law or
27 after notice and hearing, precludes further contest of the order with respect to
28 any matter that could have been asserted at the time of registration.

The law is clear that a person seeking to contest the registration of a foreign
custody order *must* request a hearing within 20 days after service of the notice.
Justin, through counsel, accepted service of Paula's *Registration* on April 6, 2020.
Justin filed an *Opposition* to Paula's *Registration* on April 30, 2020. As of this
writing, he has never requested a hearing with this Court. Accordingly, the Tribal
Court orders sought to be registered by Paula must be immediately confirmed and
Justin is precluded from further contesting such orders.

1 **B. The Initial Order Granting Maternal Grandparents Custody of the**
2 **Minor Children Was Entered Prior to Any *Decree of Adoption***

3 In 1997, the Uniform Law Commission approved the Uniform Child Custody
4 Jurisdiction and Enforcement (“UCCJEA”), which has now been adopted in 49 states.
5 Massachusetts is the only state that has not adopted the UCCJEA. Unlike the prior
6 Uniform Child Custody Jurisdiction Act (“UCCJA”), the UCCJEA is consistent with
7 the Parental Kidnaping Prevention Act (“PKPA”) and gives priority to home-state
8 jurisdiction. The UCCJEA specifies that its provisions apply to all proceedings in
9 which legal custody, physical custody, or visitation is an issue. Indeed, the UCCJEA
10 Section 102(4) (NRS 125A.055 and Ariz. Rev. Stat. 25-002(4)) defines a child
11 custody proceeding as

12 a proceeding in which legal custody, physical custody, or visitation with
13 respect to a child is an issue. The term includes a proceeding for divorce,
14 separation, neglect, abuse, dependency, guardianship, paternity, termination
15 of parental rights, and protection from domestic violence, in which the issue
16 may appear. The terms does not include a proceeding involving juvenile
17 delinquency, contractual emancipation or enforcement.

18 Accordingly, the UCCJEA on its face applies to termination of parental rights
19 cases, or the termination of one’s custodial rights, which specifically relate to the care
20 and custody of a minor child. *In re Ramirez v. Barnett*, a case out of the Arizona
21 Court of Appeals, a child was born on October 27, 2014. The father filed a paternity
22 action coupled with a motion for temporary orders on October 30, 2014. The Arizona
23 court issued a temporary order on November 4th and set the matter for hearing. The
24 mother moved to dismiss the Arizona action because she had arranged for the child’s
25 adoption in New York state, and adoption proceedings had been initiated. The father,
26 who did get notice of the adoption proceedings, did not object in New York and the
27 New York court granted the adoption on February 3, 2015.

28 The mother subsequently argued that the New York adoption was entitled to
full faith and credit under the PKPA. The Arizona Court of Appeals held that
because Arizona was the home state at the time the father filed his paternity and
custody action, the PKPA barred any other state from exercising jurisdiction when

1 that state was exercising jurisdiction consistently with the PKPA. As such, the New
2 York adoption decree was not entitled to full faith and credit.⁹

3 NRS 125A.215(3) provides,

4 A child custody determination made by a tribe under factual
5 circumstances in substantial conformity with the jurisdictional standards of the
6 provisions of this chapter must be recognized and enforced pursuant to NRS
7 125A.405 to 125A.585.¹⁰

8 NRS 127.123 further provides,

9 Notice of the filing of a petition for the adoption of a child must be
10 provided to the legal custodian or guardian of the child if that custodian or
11 guardian is a person other than the natural parent of the child.

12 Even if states, like Nevada and Arizona, have not specifically included
13 adoption within the definition of “child custody determination” under the UCCJEA,
14 the PKPA requires full faith and credit to be given to “custody determinations” made
15 consistent with the PKPA jurisdictional requirements, which are essentially
16 duplicated within the UCCJEA. As this Court is aware, adoption proceedings are
17 replete with court-made determinations implicating the care and custody of minor
18 children. Accordingly, adoption proceedings fall within the “any proceeding for a
19 custody determination” provision of the Parental Kidnaping Prevention Act, thus
20 implicating the jurisdictional mandates under the UCCJEA.

21 NRS 127.017 further states,

22 Each court in this state which exercises jurisdiction pursuant to this
23 chapter [adoption statute] in a case involving an Indian child ***shall give full
24 faith and credit to the judicial proceedings of an Indian tribe*** to the same
25 extent that the Indian tribe gives full faith and credit to the judicial proceedings
26 of the courts of this state. [Emphasis added].

27 As noted above, Gretna and Wilfred Whatoname, the maternal grandparents of
28 Jeremiah and Kaydi, filed a *Petition* in the Tribal Court to obtain custody of the
children. On February 27, 2019, the Hualapai Tribal Court, the only Court with

⁹ 384 P.3d 828 (Ariz. Ct. App. 2016). We have cited to the Arizona statutes and Arizona case law because that is where the Hualapai Tribe and its associated Tribal Court is located.

¹⁰ Identical language can be found in Ariz. Rev. Stat. 25-1004(C).

1 jurisdiction capable of issuing orders relating to the custody of the children, granted
2 Gretna and Wilfred custody of the children. The Tribal Court subsequently issued a
3 *Minute Order* on May 28, 2019, again certifying their custody of the children with the
4 requirement that Justin return the children to their maternal grandparents.

5 In spite of that reality, and the Tribal Court's objection to any adoption
6 occurring in Nevada in light of the ICWA and the fact that child custody proceedings
7 were ongoing in the Hualapai Tribal Court (the only court with continuing, exclusive
8 jurisdiction), Justin and Stephanie pressed forward with their improvident *Petition*
9 *for Adoption*. As a result, an adoption hearing was held and a purported *Decree of*
10 *Adoption* was filed with this Court on July 3, 2019, or many months *after* Gretna and
11 Wilfred had obtained sole custody of the subject minors pursuant to a lawful court
12 order entitled to full faith and credit.

13 Additionally, no indication was provided by Justin that this *Decree of Adoption*
14 was ever actually served on all interested parties, like the maternal grandparents who
15 technically had custody of the children by way of an order issued by the *only* Court
16 capable of making custody orders. To be clear, until and unless the Hualapai Tribal
17 Court relinquished jurisdiction over these children, no other court in the United States
18 had jurisdiction to issue orders, absent an emergency, relating to these children; it
19 really is that simple. For Justin to suggest otherwise, especially considering his
20 actions in the Nevada courts, is, at best, disingenuous.

21
22 **C. The Hualapai Tribal Court Never Relinquished Jurisdiction Over**
23 **All Custody Matters Relating to the Minor Children**

24 Ariz. Rev. Stat. 25-1032 states, in relevant part, (identical language is
25 contained in NRS 125.315)

26 A. Except as otherwise provided in section 25-1034, a court of this
27 state that has made a child custody determination consistent with section 25-
28 1031 or 25-1033 has exclusive, continuing jurisdiction over the determination
until either of the following is true:

1. A court of this state determines that neither the child, nor the child
and one parent, nor the child and a person acting as a parent have a significant

1 connection with this state and that substantial evidence is no longer available
2 in this state concerning the child's care, protection, training and personal
relationships.

3 2. A court of this state or a court of another state determines that the
4 child, the child's parents and any person acting as a parent do not presently
reside in this state.

5 NRS 125A.325 further provides,

6 Except as otherwise provided in NRS 125A.335, a court of this state
7 **may not** modify a child custody determination made by a court of another state
unless a court of this state has jurisdiction to make an initial determination
8 pursuant to paragraph (a) or (b) of subsection 1 of NRS 125A.305 **and**:

9 1. The court of the other state determines it no longer has exclusive,
10 continuing jurisdiction pursuant to NRS 125A.315 or that a court of this state
would be a more convenient forum pursuant to NRS 125A.365; or

11 2. A court of this state or a court of the other state determines that the
12 child, the child's parents and any person acting as a parent do not presently
reside in the other state. [Emphasis added].

13 The UCCJEA forms the exclusive basis for determining jurisdiction of
14 interstate child custody disputes. As noted, continuing, exclusive jurisdiction from
15 the initial issuing court **only** ceases when "a court of this state or a court of another
16 state determines that the child, the child's parents and any person acting as a parent
17 do not presently reside in this state." In other words, and in general the issuing court,
18 must make a specific inquiry, presumably by way of evidentiary proceedings, as to
19 whether or not the child, the child's parents and any person acting as a parent do not
20 presently reside in the issuing state.

21 No such findings have ever been made by the Tribal Court in this case and the
22 undisputed record indicates the exact opposite, i.e., the Tribal Court has clearly
23 indicated that it has not relinquished jurisdiction over these children, it issued orders
24 granting custody to the maternal grandparents long before a *Decree of Adoption* was
25 processed by this Court, and it has continued exercising its continuing, exclusive
26 jurisdiction to issue orders relating to the subject minors. In sum, absolutely no
27 information, let alone evidence, has ever been supplied by Justin to indicate that the
28 Tribal Court somehow lost its exclusive, continuing jurisdiction, let alone

1 relinquished its jurisdiction. As that reality is dispositional, any orders issued by this
2 Court relating to the adoption and/or care and custody of the subject minors are void
3 as a matter of law.¹¹
4

5 **D. The Hualapai Tribal Court Maintained Continuing Exclusive**
6 **Jurisdiction Under the UCCJEA**

7 Not to belabor the point, but the Hualapai Tribal Court did indeed maintain
8 continuing, exclusive jurisdiction to render orders relating to the care and custody of
9 the minor children under the UCCJEA. No evidence has been supplied to indicate
10 that it relinquished its jurisdiction and it is intellectually dishonest for Justin to
11 suggest otherwise. At best, Justin could argue that there is a conflict of laws
12 concerning the jurisdictional requirements for adoption and a custody proceeding, but
13 we believe such an argument falls flat on the basis that the child custody proceeding
14 in the Tribal Court was submitted and concluded *before* any proceeding for adoption
15 was initiated.

16 Justin making such an argument is all the more ironic given his prior
17 representations to this Court, as well as the Nevada Supreme Court. In those cases,
18 Justin was adamant (and correct) in asserting that the Nevada courts lacked subject
19 matter jurisdiction to do anything relating to these children because the Tribal Court
20 was the *only* court capable of making determinations regarding the care and custody
21 of the children. Indeed, Justin correctly acknowledged for years after the children left
22 Arizona, that the Tribal Court maintained continuing, exclusive jurisdiction. For him
23 to suggest otherwise now is indicative of his duplicity; he can't have it both ways.
24

25 ¹¹ To the extent the Court believes a Motion to Set Aside the Decree of Adoption is required,
26 Paula will file one, but she submits such is unnecessary under these circumstances considering the
27 Court lacked jurisdiction to issue such an order in the first place. If a judgment is void, a motion to
28 set it aside may be brought at *any time* and this Court certainly has the authority to set aside such an
order *sua sponte*. See *Garcia v. Ideal Supply Co.*, 110 Nev. 493, 495, 874 P.2d 752, 753 (1994), as
well as *Emmons v. State*, 107 Nev. 53, 807 P.2d 718 (1991) (court may review plain error *sua*
sponte).

1 Accordingly, the Court must give full faith and credit to the orders issued by
2 the Tribal Court.

3
4 **E. Any Orders Issued by This Court Relating to the Care and Custody
5 of the Minor Children Were Improper**

6 The heading of this section pretty much sums up Paula's argument in this
7 regard as the Court did not have jurisdiction to issue such orders.

8 **IV. CONCLUSION**

9 Based on the above, Paula respectfully requests the Court issue the following
10 orders:

- 11 1. Registering and giving full faith and credit to the *Grandparent*
12 *Custody and Visitation Order*, filed January 30, 2020 (Exhibit
13 "A" to *Registration of Foreign Custody Orders*, filed March 18,
14 2020), and the *Minute Order*, filed May 28, 2019 (Exhibit "B" to
15 *Registration of Foreign Custody Orders*, filed March 18, 2020),
16 in Case No. 2019-CC-004, in the Tribal Courts of the Hualapai
17 Tribe, Peach Springs, State of Arizona.
- 18 2. Denying Justin's improvident *Opposition* in its entirety.
- 19 3. Awarding Paula her attorney's fees and costs, to be established by
20 way of a subsequent *Memorandum of Fees and Costs* upon
21 request of the Court.

22 *****

23 *****

24 *****

25 *****

26 *****

27 *****

28

1 4. For such other and further relief as the Court deems just and
2 proper.

3 DATED this 6th day of July, 2020.

4 Respectfully Submitted By:
5 WILICK LAW GROUP

6 /s/ Trevor M. Creel

7 MARSHAL S. WILICK, ESQ.
8 Nevada Bar No. 2515
9 TREVOR M. CREEL, ESQ.
10 Nevada Bar No. 11943
11 3591 E. Bonanza, Suite 200
12 Las Vegas, Nevada 89110-2101
13 (702) 438-4100 Fax (702) 438-5311
14 Attorneys for Petitioner, Paula Blount

DECLARATION OF PAULA BLOUNT

1
2 1. I, Paula Blount, declare that I am competent to testify to the facts
3 contained in the preceding filing.

4 2. I have read the preceding filing and I have personal knowledge of the
5 facts contained therein, unless stated otherwise. Further, the factual averments
6 contained therein are true and correct to the best of my knowledge, except those
7 matters based on information and belief, and as to those matters, I believe them to be
8 true.

9 3. The factual averments contained in the preceding filing are incorporated
10 herein as if set forth in full.

11 I declare under penalty of perjury under the laws of the State of
12 Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is
13 true and correct.

14 EXECUTED this 8th day of July, 2020.

15
16 
17 PAULA BLOUNT
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1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the WILLICK LAW
3 GROUP and that on this 6th day of July, 2020, I caused the foregoing document
4 to be served as follows:

- 5 [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and
6 Administrative Order 14-2 captioned "In the Administrative Matter of
7 Mandatory Electronic Service in the Eighth Judicial District Court," by
8 mandatory electronic service through the Eighth Judicial District Court's
9 electronic filing system.
- 10 [] By placing same to be deposited for mailing in the United States Mail,
11 in a sealed envelope upon which first class postage was prepaid in Las
12 Vegas, Nevada.
- 13 [] Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed
14 consent for service by electronic means.
- 15 [] By hand delivery with signed Receipt of Copy.

16 To the litigant(s) and attorney(s) listed below at the address, email address,
17 and/or facsimile number indicated:

18 Trevor R. Waite, Esq.
19 Alverson Taylor & Sanders
20 6605 Grand Montecito Parkway, Ste. 200
21 Las Vegas, Nevada 89149
22 Twaite@AlversonTaylor.com
23 Attorneys for Father/Respondent

24 /s/ Victoria Javiel

25 Employee of the WILLICK LAW GROUP

26 P:\wp19\BLOUNT,P\DRAFTS\00447033.WPD

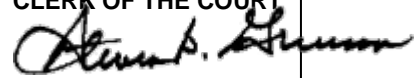
EXHIBIT “I”

EXHIBIT “I”

EXHIBIT “I”

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
8/12/2020 11:34 AM
Steven D. Grierson
CLERK OF THE COURT



Paula Blount, Plaintiff.
vs.
Justin Blount, Defendant.

Case No.: D-20-605933-F
Department J

NOTICE OF HEARING

Please be advised that the Motion to Invalidate in the above-entitled matter is set for hearing as follows:

Date: September 29, 2020
Time: 3:00 PM
Location: Courtroom 04
Family Courts and Services Center
601 N. Pecos Road
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Ruby Ochoa
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

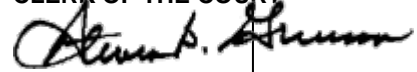
By: /s/ Ruby Ochoa
Deputy Clerk of the Court

000355

EXHIBIT “J”

EXHIBIT “J”

EXHIBIT “J”



CNNDCA

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Paula Blount, Plaintiff.
vs.
Justin Blount, Defendant.

D-20-605933-F
Department J

CLERK'S NOTICE OF NONCONFORMING DOCUMENT AND CURATIVE ACTION

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

Title of Nonconforming Document:	<u>Motion and Supplemental Exhibits (Bundled Filing)</u>
Party Submitting Document for Filing:	<u>Stephanie Blount</u>
Date and Time Submitted for Electronic Filing:	<u>08/10/2020 at 4:07 PM</u>

Reason for Nonconformity Determination:

- ☐ The case caption and/or case number on the document does not match the case caption and/or case number of the case that it was filed into. In accordance with the Administrative Order 19-5, the document has been reprocessed by removing it from the incorrect case and entering it into the case identified by the case number and caption on the document. This Notice has been filed in the case where the document was removed.
- ☐ The document initiated a new civil action and the case type designation does not match the cause of action identified in the document. In accordance with Administrative Order 19-5, the case type designation in the case management system has been modified to match the cause of action identified in the document.
- ☒ The submitted document initiated a new civil action and was made up of multiple documents submitted together. In accordance with the Administrative Order 19-5, the document has been reprocessed by separating the single document into multiple documents and filing each document individual

Dated this: 12th day of August, 2020

By: /s/ Ruby Ochoa
Deputy District Court Clerk

000357

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2020, I concurrently filed and served a copy of the foregoing Clerk's Notice of Nonconforming Document, on the party that submitted the nonconforming document, via the Eighth Judicial District Court's Electronic Filing and Service System.

By: /s/ Ruby Ochoa
Deputy District Court Clerk

EXHIBIT “K”

EXHIBIT “K”

EXHIBIT “K”

Steven D. Grierson

COURT CODE: NOTC

Name: Stephanie Blount
Address: PO BOX 61521
Las Vegas, NV 89160
Telephone: _____
Email Address: _____
Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Paula Blount
Plaintiff,

vs.

Justin Blount
Defendant(s).

CASE NO.: D-20-605933-F
DEPT: J

Hearing Requested? (☒ check one, the clerk will
enter dates when you file)

☒ Yes. Hearing Date: September 29, 2020
Hearing Time: 3:00 PM

☐ No. Chambers Decision: _____

NOTICE OF MOTION

TO: Name of Opposing Party and Party's Attorney, if any, Trevor Waite Paula Blount,
Marshal S. Willick

This is a motion for: (☒ check all that apply)

- | | | | |
|--|--|-------------------------------------|---|
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Property Issues | <input type="checkbox"/> Contempt | <input checked="" type="checkbox"/> Other (specify) <u>Motion to Invalidate</u> |
| <input type="checkbox"/> Child Custody | <input type="checkbox"/> Spousal Support | <input type="checkbox"/> Visitation | |

PLEASE TAKE NOTICE that a hearing on the motion will be held on the date and time
above before the Eighth Judicial District Court - Family Division located at: (☒ check one)

- ☒ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.
☐ The Child Support Center of Southern Nevada, 1900 E. Flamingo Rd #100, LV NV 89119.

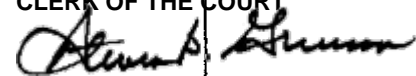
**NOTICE: You may file a written response to this motion with the Clerk of the Court and
provide the undersigned with a copy of your response within 14 days of receiving this motion.
Failure to file a written response with the Clerk of Court within 14 days of your receipt may
result in the requested relief being granted by the Court without a hearing prior to the
scheduled hearing date.**

Submitted By: *[Signature]*
(☒ check one) ☐ Plaintiff / ☒ Defendant

EXHIBIT “L”

EXHIBIT “L”

EXHIBIT “L”



Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

PROOF OF SERVICE


I hereby certify that on the 13 day of August, 2020, true and correct copies of the document described as MOTION TO INVALIDATE and NOTICE OF HEARING served via certified mail with return receipt and signature requested to Gretna and Wilfred Whatoname at the following address:

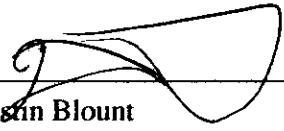
Candice Fox
2364 Wiki Way
Camp Verde, AZ 86322
Counsel

Gretna and Wilfred Whatoname
PO Box 341
Peach Springs, AZ 8644

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

3 DATED August 19, 2020.

4 
5 _____
6 Stephanie Blount

7 
8 _____
9 Justin Blount
10 PO BOX 61521
11 Las Vegas, NV 89160
12
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Camp Verde, AZ 86322

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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$3.00

Total Postage and Fees \$9.40

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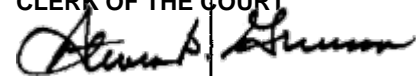
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EXHIBIT “M”

EXHIBIT “M”

EXHIBIT “M”



Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

PROOF OF SERVICE

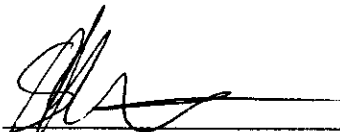
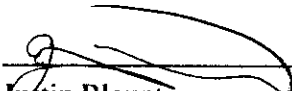
I hereby certify that on the 13 day of August, 2020, true and correct copies of the document described as MOTION TO INVALIDATE and NOTICE OF HEARING served via certified mail with return receipt and signature requested to the Hualapai Tribe at the following address:

Idella Keluche
PO Box 179
Peach Springs, AZ 86434
ICWA Coordinator

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

DATED August 19, 2020.

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Stephanie Blount
Justin Blount
PO BOX 61521
Las Vegas, NV 89160

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Postage \$3.00

Total Postage and Fees \$9.40

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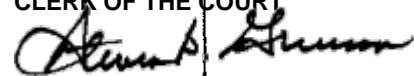
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EXHIBIT “N”

EXHIBIT “N”



Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

PROOF OF SERVICE

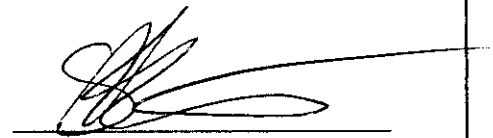
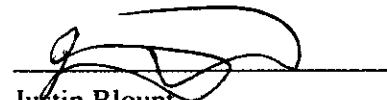
I hereby certify that on the 13 day of August, 2020, true and correct copies of the document described as MOTION TO INVALIDATE and NOTICE OF HEARING served via certified mail with return receipt and signature requested to Respondent at the following address:


Trevor Waite
6605 Grand Montecito Pkwy
Suite 200
Las Vegas, NV 89149
Father's Counsel

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

DATED August 19, 2020

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Stephanie Blount
Justin Blount
PO BOX 61521
Las Vegas, NV 89160

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<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <i>[Signature]</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>J. Woodward</i> C. Date of Delivery <i>8/17/20</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p><i>Trevor Waite</i> <i>6605 Grand Monteito</i> <i>Pkwy Suite 200</i> <i>Las Vegas, NV 89149</i></p>  <p>9590 9402 5785 0034 4810 87</p>		<p>3/ Service Type</p> <p><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Registered MailTM</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input checked="" type="checkbox"/> Certified Mail[®] <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Signature ConfirmationTM</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail</p> <p><input type="checkbox"/> Mail Restricted Delivery (500)</p>	
<p>2. Article Number (Transfer from service label)</p> <p><i>7019 2280 0000 7451 7768</i></p>			

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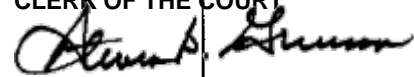
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Extra Services & Fees (check box, add fee \$2.85) <input type="checkbox"/> Return Receipt (hardcopy) \$0.00 <input type="checkbox"/> Return Receipt (electronic) \$0.00 <input type="checkbox"/> Certified Mail Restricted Delivery \$0.00 <input type="checkbox"/> Adult Signature Required \$0.00 <input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	Postmark Here
Postage \$3.00	08/13/2020
Total Postage and Fees \$9.40	
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City, State, ZIP+4 [®] <i>Las Vegas, NV 89149</i>	
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EXHIBIT “O”

EXHIBIT “O”

EXHIBIT “O”



Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

PROOF OF SERVICE

I hereby certify that on the 13 day of August, 2020, true and correct copies of the document described as MOTION TO INVALIDATE and NOTICE OF HEARING served via certified mail with return receipt and signature requested to Gretchen Whatoname at the following address:

Candice Fox
2364 Wiki Way
Camp Verde, AZ 86322
Counsel

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

3 DATED August 19, 2020

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5
6 Stephanie Blount

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8 Justin Blount

9 PO BOX 61521

10 Las Vegas, NV 89160
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SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
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<p>1. Article Addressed to:</p> <p>Candice Fox 2364 Wiki Way Camp Verde, AZ 86322</p>		<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7019 2280 0000 7451 7713</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>			

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Camp Verde, AZ 86322

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Certified Mail Fee	\$3.55	
Extra Services & Fees (check box, add fee as appropriate)	\$2.85	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$3.00	
Total Postage and Fees	\$9.40	

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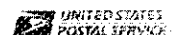
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Signature	DL 876398 C19 C Fox
Address	2364 Wiki

Enter up to 35 items separated by commas.

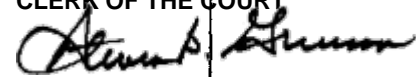
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EXHIBIT “P”

EXHIBIT “P”



Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children,

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

PROOF OF SERVICE

I hereby certify that on the 13 day of August, 2020, true and correct copies of the document described as MOTION TO INVALIDATE and NOTICE OF HEARING served via certified mail with return receipt and signature requested to Petitioner at the following addresses:

Paula Blount
3834 E Lass Ave
Kingman, AZ 86409
Petitioner

Marshal S. Willick
3591 E. Bonanza Rd
Suite 200
Las Vegas, NV 89110
Petitioner's counsel

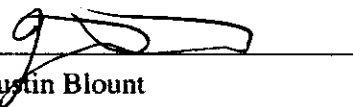
1 Candice Fox
2 2364 Wiki Way
3 Camp Verde, Arizona 86322
4 *Petitioner's Counsel*

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

7 DATED August 19, 2020

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11 Stephanie Blount

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13 Justin Blount
14 PO BOX 61521
15 Las Vegas, NV 89160
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1. Article Addressed to:

Marshal S. Willick
3591 E Bonanza Rd
Suite 200
Las Vegas, NV 89110



9590 9402 5785 0034 4811 00

2. Article Number (Transfer from front)

7019 2280 0000 7451 7744

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A. Signature

☒ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8/17/20

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Adult Signature
☐ Adult Signature Restricted Delivery
☒ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ In Delivery Restricted Delivery
☐ Mail
☐ Mail Restricted Delivery (over \$500)

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☐ Registered Mail™

☐ Registered Mail Restricted Delivery

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☐ Signature Confirmation™

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Las Vegas, NV 89110

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee) \$2.85

☐ Return Receipt (hardcopy) \$0.00
☐ Return Receipt (electronic) \$0.00
☐ Certified Mail Restricted Delivery \$0.00
☐ Adult Signature Required \$0.00
☐ Adult Signature Restricted Delivery \$0.00

Postage \$3.00

Total Postage and Fees \$9.40

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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Candice Fox
2364 Wiki Way
Camp Verde, AZ 86322



9590 9402 5785 0034 4811 17

2. Article Number (Transfer from service label)

7019 2280 0000 7451 7720

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Adult Signature
- ☐ Adult Signature Restricted Delivery
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- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

1 Mail Restricted Delivery
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Domestic Return Receipt

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Camp Verde, AZ 86322

Certified Mail Fee \$3.55

Extra Services & Fees (check box, add fee if appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$3.00

Total Postage and Fees \$9.40

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08/13/2020

Sent To Candice Fox

Street and Apt. No., or PO Box No. 2364 Wiki Way

City, State, ZIP+4® Camp Verde, AZ 86322

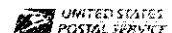
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August 19, 2020

USPS Tracking Intranet

Delivery Signature and Address

**Price Change 1/26/2020:**

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The Manual Entry Acceptance screen will be modified to use the Pricing Engine for all rates calculations. Users will no longer enter fees for Collect on Delivery (COD) and Additional Insurance; instead, users will enter the dollar amount to be collected for COD or the insured value for Insurance.

Tracking Number: 7019 2280 0000 7451 7720

This item was delivered on 08/17/2020 at 13:59:00

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Signature	DL 876398 C19 C Fox
Address	2364 Wiki

Enter up to 35 items separated by commas.

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Kingman, AZ 86409

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$3.00
Total Postage and Fees \$9.40

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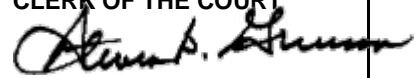
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Street and Apt. No., or PO Box No.
3834 E Lass Ave
City, State, ZIP+4® Kingman, AZ 86409

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EXHIBIT “Q”

EXHIBIT “Q”

EXHIBIT “Q”



OPPC
WILLICK LAW GROUP
MARSHAL S. WILLICK, ESQ.
Nevada Bar No. 002515
3591 E. Bonanza Road, Suite 200
Las Vegas, NV 89110-2101
Phone (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
Attorney for Paula Blount

**DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA**

In re the Custody/Visitation of
JEREMIAH BLOUNT (DOB: 1/19/2010)
KAYDI BLOUNT (DOB: 2/19/2013)

Minor Children,

PAULA BLOUNT,

Grandmother/Petitioner,

vs.

JUSTIN BLOUNT,
GRETCHEN WHATONAME,

Parent(s)/Respondents.

CASE NO: D-20-605933-F
DEPT. NO: J

DATE OF HEARING: N/A
TIME OF HEARING: N/A

**PATERNAL GRANDMOTHER'S OPPOSITION TO
"MOTION TO INVALIDATE"
AND
COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

I. INTRODUCTION

While it appears that the document filed by Stephanie and Justin Blount entitled *Motion to Invalidate* is a fugitive document given that Justin has counsel, the result is the same even if the Court wishes to hear Stephanie and Justin's *Motion* on the merits. Not only are there multiple (and intentional) misstatements of fact, but their *Motion* establishes a clear misunderstanding of the jurisdictional standards

1 required before a Court may enter any orders relating to the care and custody of minor
2 children, and it actually (and frivolously) asks this Court to “invalidate” orders issued
3 by a Tribal Court in a different state. Their request, in and of itself, is an affront to
4 the UCCJEA and Article IV of the United States Constitution, which provides that
5 “Full Faith and Credit shall be given in each State to the public Acts, Records, and
6 judicial Proceedings of every other State.”

7 For these reasons, and those detailed below, Paula respectfully requests that
8 Stephanie and Justin’s wildly inappropriate *Motion to Invalidate* be denied in its
9 entirety and that Paula receive an award of her attorney’s fees and costs.

10 **POINTS AND AUTHORITIES**

11 **II. STATEMENT OF FACTS**

12 Petitioner, Paula Blount, is the paternal grandmother to the subject minors
13 referenced above, i.e., Jeremiah Blount, born January 19, 2010, and Kaydi Blount,
14 born February 19, 2013.¹

15 Justin Blount is the Petitioner’s son, and Gretchen Whatoname was the minor
16 children’s biological mother. Gretchen passed away on December 27, 2017.

17 Gretchen and Justin’s relationship was a tumultuous one. Justin was arrested
18 for domestic violence against Gretchen following the birth of his second child.
19 Because his domestic violence occurred on a reservation, it constituted a federal
20 offense and he was sentenced to four months in jail. Upon his release from jail, Justin
21 was ordered to a half way house for six months and subsequently obtained a small
22 apartment in Flagstaff. While still married to Gretchen, Justin engaged in an affair
23 with his current spouse that resulted in the birth of his third child in March, 2016.

24 Prior to Justin cutting off contact between the minor children and their
25 grandmother, Paula regularly cared for the minor children and was effectively their
26

27
28 ¹ Both Jeremiah and Kaydi are registered members of the Hualapai Tribe, which is a federally
recognized Indian Tribe located on the Hualapai Indian Reservation in Northwestern Arizona.

1 primary caregiver for many years prior to their removal from her care in late 2017.
2 That fact was cemented following Justin's arrest and subsequent incarceration,
3 wherein Gretchen left the children with Paula to provide their exclusive care. Given
4 the substantial time Paula spent with the children, the children developed a significant
5 bond with her and saw her as more of a maternal figure than a grandmother. For
6 some reason, this reality always bothered Justin and it was only exacerbated upon
7 Justin marrying his current wife.

8 Several months prior to Gretchen's passing on December 27, 2017, she initiated
9 divorce proceedings against Justin in The Hualapai Tribal Court. At a hearing held
10 in the Tribal Court on June 26, 2017, which was attended by Justin, Gretchen, and
11 their counsel, the Tribal Court entered a decree and order of dissolution of marriage
12 between the parties. In addition, the Court issued temporary custody orders awarding
13 Gretchen primary physical custody of the children pending final determination.

14 Immediately after Gretchen's death, Gretna and Wilfred Whatoname, the
15 maternal grandparents of Jeremiah and Kaydi, petitioned the Tribal Court for an order
16 awarding them temporary custody of the children. Justin opposed the maternal
17 grandparents' request and the Court issued a summary determination on December
18 29, 2017, wherein it denied their request and determined that because Gretchen was
19 now deceased, custody of the children must be restored to Justin.

20 To that end, Justin took custody of the children on December 29, 2017, and
21 immediately relocated the children from Peach Springs, Arizona to Las Vegas,
22 Nevada. In an effort to obtain a more formal order relating to his legal and physical
23 custody, Justin submitted an *Ex Parte Motion for Dismissal and Orders* with the
24 Tribal Court on January 11, 2018, in which he requested, in light of Gretchen's death,
25 that he receive legal and physical custody of the children. As the submission was *ex*
26 *parte*, a default order was effectively entered by the Tribal Court in ordering that
27 "Legal and physical custody of Jeremiah Blount, d.o.b. 01/19/2010, and Kaydi
28

1 Blount, d.o.b, 02/19/2013, is restored to Respondent Justin Blount, the minors'
2 biological father.”²

3 On May 18, 2018, Paula filed a *Petition for Grandparent Visitation* with this
4 Court. Justin opposed that *Petition* and moved the Court to dismiss Paula’s *Petition*
5 on the basis that it lacked subject matter jurisdiction, and that the Hualapai Tribal
6 Court was the ***only*** Court allowed to issue orders relating to the care and custody of
7 the minor children as it retained ***continuing, exclusive jurisdiction***.

8 The parties subsequently appeared before the Court on July 25, 2018, at which
9 time the Court specifically found, of relevance to these proceedings,

10 THE COURT HEREBY FINDS that the Hualapai Tribe has exercised
11 jurisdiction over the two older children [Jeremiah and Kaydi] in two separate
12 proceedings. As such, ***the Hualapai Tribe has continuing, exclusive***
jurisdiction over the children.³

13 Paula filed a *Notice of Appeal* and *Case Appeal Statement* on August 24, 2018.
14 Following substantial briefing, the Nevada Supreme Court issued an *Order of*
15 *Affirmance* on September 16, 2019, denying Paula’s appeal.

16 While the appeal was pending, and without notice to Paula, Justin and his wife,
17 Stephanie Blount, filed a *Petition for Adoption* on January 3, 2019. Shortly after the
18 Hualapai Tribe was notified of Justin and Stephanie’s *Petition for Adoption*, it filed
19 a *Motion to Intervene* in the Nevada adoption on the premise that it was the only
20 Court with jurisdiction to issue orders relating to the care and custody of the minor
21 children (effectively echoing what Justin had argued both at the district court and
22 Supreme Court months earlier).

23 In addition, Gretna and Wilfred Whatoname, the maternal grandparents of
24 Jeremiah and Kaydi, filed a *Petition* in the Tribal Court to obtain temporary custody
25 of the children in light of Justin and Stephanie’s neglect of the children. It is believed

26 ² *Order Vacating Temporary Custody Order and Child Support*, filed January 24, 2018. At
27 no point in time was the custody action ever dismissed.

28 ³ *See Findings of Fact, Conclusions of Law, and Order From July 25, 2018 Hearing*, filed
August 16, 2018, page 2, lines 4-6. [Emphasis added].

1 that Petition was served on all interested parties. On February 27, 2019, the Hualapai
2 Tribal Court, the only Court with jurisdiction to issue orders relating to the custody
3 of the children, issued an order *granting Gretna and Wilfred custody of the children*.
4 The Tribal Court subsequently issued a *Minute Order* on May 28, 2019, again
5 granting them custody of the children with the additional requirement that Justin
6 return the children to their maternal grandparents.

7 Notwithstanding that reality, and the Tribal Court's vehement objection to any
8 adoption occurring in Nevada in light of the ICWA and the fact that child custody
9 proceedings were ongoing in the Hualapai Tribal Court, Justin and Stephanie pressed
10 forward with their inappropriate *Petition for Adoption*. As a result, an adoption
11 hearing was held and a purported *Decree of Adoption* was filed with this Court on
12 July 3, 2019, solely on the basis that counsel for the Hualapai Tribe did not supply
13 this Court with an update concerning the Hualapai proceedings.

14 No indication was provided by Justin that this *Decree of Adoption* was ever
15 actually served on all interested parties, like the maternal grandparents who had
16 custody of the children by way of a lawful order issued by the only Court capable of
17 making custody orders at the time.

18 On December 9, 2019, Paula filed a *Petition* in the Hualapai Tribal Court
19 seeking grandparent visitation. The *Notice of Hearing* relating to Paula's *Petition*
20 was provided to all interested parties.⁴

21 Paula then appeared before the Tribal Court on January 30, 2020, wherein it
22 issued a *Grandparent Custody and Visitation Order*. In that *Order*, the Tribal Court
23 found and ordered as follows:

24 This Court has exercised jurisdiction over these children, who are
25 enrolled members of the Hualapai Tribe, since the original petition for custody

26
27 ⁴ Justin's counsel claims that he provided "notice" to the Tribal Court that he was no longer
28 Justin's counsel of record in those proceedings by submitting a "letter" to the Tribal Court. Of
course, he failed to actually file a Notice of Withdrawal or supply any documentation indicating that
he formally withdrew from that matter.

1 was filed by the children's mother on February 26, 201[7].⁵ This Court has
2 since continued to exercise jurisdiction over these children.

3 On December 9, 2019, the Petitioner filed a Petition for Grandparents
4 Visitation Rights pursuant to Chapter 20 of the Hualapai Law & Order Code.
5 The matter was set for a Motion Hearing, and Notice was e-mailed to the
6 Respondent's counsel of record on December 30, 2019, at 1549 hrs. The Clerk
7 reports that there has been no returned e-mail as undeliverable. The Court
8 does not, however, that there are errors in the Notice, specifically the caption
9 is mistakenly captioned as "Waite, Trevor v. Blount, Justin/Whatoname,
10 Gretchen" and the date on the Notice is listed as February 26, 2019. It does
11 however, give notice of a Motion Hearing on today's date at 0900 hrs, and Mr.
12 Waite could have contacted the Court to seek clarification.⁶

13 As a result of those findings, the Tribal Court awarded Paula joint legal and
14 physical custody of the minor children pursuant to a specific schedule to which Justin
15 has failed to even acknowledge, let alone follow. So as to pursue enforcement of the
16 clear and unambiguous custody orders issued by the Tribal Court, Paula filed her
17 *Registration of Foreign Custody Orders* on March 18, 2020.

18 Justin, through counsel, accepted service of Paula's *Registration* on April 6,
19 2020. Justin filed an *Opposition* to Paula's *Registration* on April 30, 2020, and failed
20 to submit a request for a hearing at the time of his *Opposition* in violation of NRS
21 125A.465(6). Paula filed her *Reply* to Justin's *Opposition* on July 9, 2020.

22 On or around August 10, 2020, Stephanie and Justin filed their *Motion to*
23 *Invalidate*. The same was purportedly served by mail on August 13, 2020, although
24 the *Proof of Service* was filed on August 20, 2020, and the undersigned did not
25 receive a copy of their *Motion* until August 18, 2020.

26 This *Opposition* and *Countermotion* follow.

27 *****

28 *****

⁵ *Grandparent Custody and Visitation Order*, filed January 20, 2020, page 1, lines 23-25.

⁶ *Id.*, page 2, lines 1-7.

1 **III. OPPOSITION TO MOTION – This Court Cannot Do What Stephanie**
2 **and Justin Are Requesting**

3 NRS 125A.465 provides, in relevant part,

4 1. A child custody determination issued by a court of another state may
5 be registered in this state, with or without a simultaneous request for
6 enforcement, by sending to a court of this state which is competent to hear
7 custody matters:

8 (a) A letter or other document requesting registration;

9 (b) Two copies, including one certified copy, of the determination
10 sought to be registered, and a statement under penalty of perjury that to the
11 best of the knowledge and belief of the person seeking registration the order
12 has not been modified; and

13 (c) Except as otherwise provided in NRS 125A.385, the name and
14 address of the person seeking registration and any parent or person acting as
15 a parent who has been awarded custody or visitation in the child custody
16 determination sought to be registered.

17 2. On receipt of the documents required by subsection 1, the registering
18 court shall cause the determination to be filed as a foreign judgment, together
19 with one copy of any accompanying documents and information, regardless of
20 their form.

21 3. The registering court shall provide the persons named pursuant to
22 paragraph (c) of subsection 1 with an opportunity to contest the registration in
23 accordance with this section.

24 4. The person seeking registration of a child custody determination
25 pursuant to subsection 1 shall serve notice, by registered or certified mail,
26 return receipt requested, upon each parent or person who has been awarded
27 custody or visitation identified pursuant to paragraph (c) of subsection 1.

28 5. The notice required by subsection 4 must state that:

 (a) A registered determination is enforceable as of the date of the
registration in the same manner as a determination issued by a court of this
state;

 (b) A hearing to contest the validity of the registered determination
must be requested within 20 days after service of notice; and

 (c) Failure to contest the registration will result in confirmation of the
child custody determination and preclude further contest of that determination
with respect to any matter that could have been asserted.

 6. A person seeking to contest the validity of a registered order must
request a hearing within 20 days after service of the notice. At that hearing, the
court shall confirm the registered order unless the person contesting
registration establishes that:

1 (a) The issuing court did not have jurisdiction pursuant to NRS
2 125A.305 to 125A.395, inclusive;

3 (b) The child custody determination sought to be registered has been
4 vacated, stayed or modified by a court having jurisdiction to do so pursuant to
5 NRS 125A.305 to 125A.395, inclusive; or

6 (c) The person contesting registration was entitled to notice, but notice
7 was not given in accordance with the standards of NRS 125A.255, in the
8 proceedings before the court that issued the order for which registration is
9 sought.

10 7. If a timely request for a hearing to contest the validity of the
11 registration is not made, the registration is confirmed as a matter of law and the
12 person requesting registration and all persons served must be notified of the
13 confirmation.

14 8. Confirmation of a registered order, whether by operation of law or
15 after notice and hearing, precludes further contest of the order with respect to
16 any matter that could have been asserted at the time of registration.

17 Further, Article IV of the United States Constitution provides that “Full Faith
18 and Credit shall be given in each State to the public Acts, Records, and judicial
19 Proceedings of every other State.” There is simply no legal authority whatsoever for
20 this Court to “invalidate” an order issued by another Court in the United States as all
21 orders under the UCCJEA are entitled to interstate enforcement and nonmodification
22 by the enforcing Court. That is why the law exists in the first place – to effectively
23 prevent people like Stephanie and Justin from seeking to “invalidate” or modify valid
24 orders issued by another state.

25 Apparently, Stephanie and Justin have also frivolously latched onto the word
26 “validity” contained in NRS 125A.465 and believe it allows this Court to “invalidate”
27 orders issued by another state. What those words actually mean, and this should have
28 been readily apparent to Stephanie and Justin, is that the Court has the ability to
consider a legitimate contest to the registration of a foreign custody order (which did
not occur here since a timely request for a hearing was not submitted by Justin) if they
establish that the issuing court did not have jurisdiction; the child custody
determination has been vacated, stayed, or modified; or the person contesting
registration was entitled to notice and never received it. The failure to contest the

1 registration within 20 days after service of notice results in the confirmation of the
2 child custody determination and precludes further contest.⁷ It really is that simple and
3 no amount of revisionist history by Justin or Stephanie changes that fact.

4 Accordingly, Stephanie and Justin's improper request to invalidate the Tribal
5 Court's legitimate and enforceable orders must be denied.

6 7 **IV. COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS**

8 As this Court is aware, fees may be awarded to the prevailing party in a dispute
9 pursuant to NRS 18.010.⁸ Moreover, NRS 125A.535 provides that "[t]he court shall
10 award the prevailing party, including a state, necessary and reasonable expenses
11 incurred by or on behalf of the party, including costs, communication expenses,
12 attorney's fees . . ."

13 All that Paula is seeking is the enforcement of legitimate Court orders entered
14 by the only Court with jurisdiction to issue such orders. That Justin (and now
15 Stephanie) have vehemently opposed the registration of those lawful orders, while
16 failing to adhere to the opposition requirements per statute, invites an award of fees
17 and costs to Paula.

18 With specific reference to Family Law matters, the Court has adopted
19 "well-known basic elements," which in addition to hourly time schedules kept by the
20 attorney, are to be considered in determining the reasonable value of an attorney's
21 services qualities, commonly referred to as the *Brunzell*⁹ factors:

24 ⁷ To be clear, this is a strict compliance statute, and the failure on Justin's part to request a
25 hearing requires the recognition and enforcement of the Tribal Court's orders in this State.

26 ⁸ See *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998); *Wright v. Osburn*, 114 Nev. 1367,
27 970 P.2d 1071 (1998); *Halbrook v. Halbrook*, 114 Nev. 1455, 971 P.2d 1262 (1998); *Korbel v.*
28 *Korbel*, 101 Nev. 140, 696 P.2d 993 (1985); *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973);
Leeming v. Leeming, 87 Nev. 530, 490 P.2d 342 (1971).

⁹ *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

1. *The Qualities of the Advocate*: his ability, his training, education, experience, professional standing and skill.
2. *The Character of the Work to Be Done*: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation.
3. *The Work Actually Performed by the Lawyer*: the skill, time and attention given to the work.
4. *The Result*: whether the attorney was successful and what benefits were derived.

Each of these factors should be given consideration, and no one element should predominate or be given undue weight.¹⁰ Additional guidance is provided by reviewing the “attorney’s fees” cases most often cited in Family Law.¹¹

The *Brunzell* factors require counsel to make a representation as to the “qualities of the advocate,” the character and difficulty of the work performed, and the work actually performed by the attorney.

First, respectfully, we suggest that the supervising counsel is A/V rated, a peer-reviewed and certified (and re-certified) Fellow of the American Academy of Matrimonial Lawyers, and a Certified Specialist in Family Law.

Trevor M. Creel, Esq., the attorney primarily responsible for drafting this *Reply*, has practiced exclusively in the field of family law for over nine years under the direct tutelage of supervising counsel.

As to the “character and quality of the work performed,” we ask the Court to find our work in this matter to have been adequate, both factually and legally; we have diligently reviewed the applicable law, explored the relevant facts, and believe that we have properly applied one to the other.

¹⁰ *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005).

¹¹ Discretionary Awards: Awards of fees are neither automatic nor compulsory, but within the sound discretion of the Court, and evidence must support the request. *Fletcher v. Fletcher*, 89 Nev. 540, 516 P.2d 103 (1973); *Levy v. Levy*, 96 Nev. 902, 620 P.2d 860 (1980); *Hybarger v. Hybarger*, 103 Nev. 255, 737 P.2d 889 (1987).

1 The fees charged by paralegal staff are reasonable, and compensable, as well.
2 The tasks performed by staff in this case were precisely those that were “some of the
3 work that the attorney would have to do anyway [performed] at substantially less cost
4 per hour.”¹² As the Nevada Supreme Court reasoned, “the use of paralegals and other
5 nonattorney staff reduces litigation costs, so long as they are billed at a lower rate,”
6 so ““reasonable attorney’s fees . . . includes charges for persons such as paralegals
7 and law clerks.”

8 Finally, we believe that we will be the prevailing party on this matter.

9 The work actually performed will be provided to the Court upon request by
10 way of a *Memorandum of Fees and Costs* (redacted as to confidential information),
11 consistent with the requirements under *Love*.¹³
12

13 V. CONCLUSION

14 Based on the above, Paula respectfully requests the Court issue the following
15 orders:

- 16 1. Denying Stephanie and Justin’s improper *Motion to Invalidate* in
17 its entirety.
- 18 2. Awarding Paula her attorney’s fees and costs, to be established by
19 way of a subsequent *Memorandum of Fees and Costs* upon
20 request of the Court.

21 *****

22 *****

23 *****

24 *****

25 *****

26
27 ¹² *LVMPD v. Yeghiazarian*, 129 Nev. ___, ___ P.3d ___ (Adv. Opn. No. 81, Nov. 7, 2013)
citing to *Missouri v. Jenkins*, 491 U.S. 274 (1989).

28 ¹³ *Love v. Love*, 114 Nev. 572, 959 P.2d 523 (1998).

1 3. For such other and further relief as the Court deems just and
2 proper.

3 DATED this 1st day of September, 2020.

4 Respectfully Submitted By:
5 WILLICK LAW GROUP

6 /s/ Trevor M. Creel

7 _____
8 MARSHAL S. WILLICK, ESQ.
9 Nevada Bar No. 2515
10 TREVOR M. CREEL, ESQ.
11 Nevada Bar No. 11943
12 3591 E. Bonanza, Suite 200
13 Las Vegas, Nevada 89110-2101
14 (702) 438-4100 Fax (702) 438-5311
15 Attorneys for Petitioner, Paula Blount

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2. I have read the preceding filing and I have personal knowledge of the facts contained therein, unless stated otherwise. Further, the factual averments contained therein are true and correct to the best of my knowledge, except those matters based on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of Nevada (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.

/s/ *Paula Blount*

PAULA BLOUNT

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this 1st day of September, 2020, I caused the foregoing document to be served as follows:

- ☒ Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- ☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- ☐ Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- ☐ By hand delivery with signed Receipt of Copy.

To the litigant(s) and attorney(s) listed below at the address, email address, and/or facsimile number indicated:

Trevor R. Waite, Esq.
Alverson Taylor & Sanders
6605 Grand Montecito Parkway, Ste. 200
Las Vegas, Nevada 89149
Twait@AlversonTaylor.com
Attorneys for Father/Respondent

Candice Fox
2364 Wiki Way
Camp Verde, Arizona 86322
Arizona Counsel for Petitioner, Paula Blount

Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, Nevada

/s/ Victoria Javiel

Employee of the WILICK LAW GROUP

P:\wp19\BLOUNT,P\DRAFTS\00456205.WPD

Victoria Javiel

From: kingmanpaula [REDACTED]
Sent: Tuesday, September 01, 2020 9:47 AM
To: Trevor Creel <trevor@willicklawgroup.com>; Victoria Javiel <victoria@willicklawgroup.com>
Subject: RE: Paula Blount

Yes I give you permission to sign for me. [REDACTED]
[REDACTED]

Thank you,
Paula Blount

Sent from my Sprint Samsung Galaxy S10+.

[REDACTED]

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the Custody/Visitation of)
Jeremiah Blount (DOB: 1/19/2020))
Kaydi Blount (DOB: 2/19/2013)
)
Minor Children)
Paula Blount)
Grandmother/Petitioner,)
-v.-)
)
Justin Blount, Gretchen Whatoname,)
Parent(s)/Respondent)
)

Case No. D-20-605933-FDepartment J

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

- ☒ **\$25** The Motion/Opposition being filed with this form is subject to the \$25 reopen fee.
- Or-
- ☐ **\$0** The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because:
- ☐ The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered.
 - ☐ The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order.
 - ☐ The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____.
- ☐ Other Excluded Motion (must specify) _____.

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

- ☐ **\$0** The Motion/Opposition being filed with this form is **not** subject to the \$129 or the \$57 fee because:
- ☐ The Motion/Opposition is being filed in a case that was not initiated by joint petition.
 - ☐ The party filing the Motion/Opposition previously paid a fee of \$129 or \$57.
- Or-
- ☒ **\$129** The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order.
- Or-
- ☐ **\$57** The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129.

Step 3. Add the filing fees from Step 1 and Step 2.

The total filing fee for the motion/opposition I am filing with this form is:

☐ \$0 ☐ \$25 ☐ \$57 ☐ \$82 ☐ \$129 ☒ **\$154**

Party filing Motion/Opposition: WILLICK LAW GROUP/Victoria Javiel Date: 9/1/2020

Signature of Party or Preparer: /s/ Victoria Javiel

EXHIBIT “R”

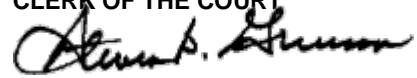
EXHIBIT “R”

EXHIBIT “R”

GFDF

WILICK LAW GROUP
 Marshal S. Willick, Esq.
 Nevada Bar No. 2515
 3591 E. Bonanza Rd., Ste. 200
 Las Vegas, Nevada 89110
 (702) 438-4100; Fax (702) 438-5311
email@willicklawgroup.com
 Attorney for Petitioner

Electronically Filed
 9/1/2020 2:37 PM
 Steven D. Grierson
 CLERK OF THE COURT



District Court, Family Division
 Clark County, Nevada

In re Custody/Visitation of JEREMIAH BLOUNT (DOB: 1/19/2010) KAYDI BLOUNT (DOB: 2/19/2013) <p style="text-align: center;">Minor Children</p> PAULA BLOUNT, <p style="text-align: center;">Grandmother/Petitioner,</p> vs. JUSTIN BLOUNT, GRETCHEN WHATONAME, <p style="text-align: center;">Parent(s) Respondents.</p>	Case No.: D-20-605933-F Dept. No.: F
---	---

GENERAL FINANCIAL DISCLOSURE FORM

A. Personal Information:

1. What is your full name? (*first, middle, last*) Paula Jo Blount
2. How old are you? 59
3. What is your date of birth? 12/5/1960
4. What is your highest level of education? Some college

B. Employment Information:

1. Are you currently employed/self-employed? (☒ mark one)

☐ No
☒ Yes

If yes, complete the table below. Attach an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)
7/2/2018	Valentine Elem.	office manager	Mon-Thurs.	6:30 am-5 pm

2. Are you disabled? (☒ mark one)

☒ No
☐ Yes

If yes, what is the level of your disability? _____
 What agency certified you disabled? _____
 What is the nature of your disability? _____

C. Prior Employment: If you are unemployed or have been working at your current job for less than two years, completed the following information.

Prior Employer: _____ Date of Hire: _____ Date of Termination: _____
 Reason for leaving: _____

000406

Monthly Personal Income Schedule

A. Year-to-date Income.

As of the pay period ending 6/13/2020 my gross year to date pay is \$44,744.00

B. Determine your Gross Monthly Income.

Hourly Wage

	X		=	\$0.00	X	52 weeks	=	\$0.00	÷	12 Months	=	\$0.00
Hourly wage		Number of hours worked per week		Weekly Income				Annual Income				Gross Monthly Income

Annual Salary

\$44,744.00	÷	12 Months	=	\$3,728.67
Annual Income				Gross Monthly Income

C. Other Sources of Income

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income:			
Bonuses:			
Car, Housing, or Other Allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay:			
Pension/Retirement Pay:	monthly	\$1,574.08	\$1,574.08
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support:			
Child Support:			
Workman's Compensation:			
Other:			
Total Average Other Income Received			\$1,574.08

Total Average Gross Monthly Income (add totals from B and C above)	\$5,302.75
---	-------------------

D. Monthly Deductions

	Type of Deduction	Amount
1.	Court Ordered Child Support (Automatically deducted from paycheck):	\$0.00
2.	Federal Health Savings Plan:	\$0.00
3.	Federal Income Tax:	\$161.06
4.	<div> <div>Amount for you: _____</div> <div>Health Insurance For Opposing Party: _____</div> <div>For your Child(ren): _____</div> </div>	\$0.00
5.	Life, Disability, or Other Insurance Premiums:	\$220.00
6.	Medicare:	\$24.90
7.	Retirement, Pension, IRA, or 401(k):	\$225.00
8.	Savings: grandchildren	\$80.00
9.	Social Security:	\$106.45
10.	Union Dues:	\$
11.	Other (Type of Deduction): state taxes	\$46.36
Total Monthly Deductions:		\$863.77

Business/Self-Employment Income and Expense Schedule**A. Business Income:**

What is your average gross (pre-tax) monthly income/revenue from self employment or businesses?

B. Business Expenses: Attach an additional page if needed.

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising/Political Contributions			
Car and Truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and Professional			
Mortgage or rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and Licenses			
Utilities			
Other:			
Total Average Business Expenses:			\$0.00

Personal Expense Schedule (Monthly)

- A.** Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me <input type="checkbox"/>	Other Party <input type="checkbox"/>	For Both <input type="checkbox"/>
Alimony/Spousal Support	\$0.00			
Auto Insurance	\$100.00	X		
Car Loan/Lease Payment	\$300.00	x		
Cell Phone	\$210.00	X		
Child Support (if not deducted from pay)	\$0.00			
Clothing, Shoes, Etc. . .	\$100.00	X		
Credit Card Payments (minimum due)	\$100.00	X		
Dry Cleaning	\$0.00			
Electric	\$100.00	X		
Food (groceries & restaurants)	\$500.00	X		
Fuel	\$525.00	X		
Gas (for home)	\$50.00	X		
Health Insurance (if not deducted from pay)	\$538.91	X		
HOA	\$0.00			
Home Insurance (if not included in mortgage)	\$0.00			
Home Phone	\$0.00			
Internet/Cable & Phone	\$75.00	X		
Lawn Care	\$0.00			
Membership Fees	\$0.00			
Mortgage/Rent/Lease	\$664.21	X		
Pest Control	\$35.00	X		
Pets	\$30.00	X		
Pool Service	\$0.00			
Property Taxes (if not included in mortgage)	\$0.00			
Security	\$0.00			
Tithes	\$500.00			
Student Loans	\$0.00			
Unreimbursed Medical Expenses	\$0.00			
Water	\$95.00	X		
Other:	\$416.00	X		
Total Monthly Expenses	\$4,339.12			

Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attach a separate sheet if needed.

	Child's Name	Child's DOB	With whom is the child living?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1.					
2.					
3.					
4.					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 st Child	2 nd Child	3 rd Child	4 th Child
Cellular Phone				
Child Care				
Clothing				
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Cost				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
Total Monthly Expenses	\$0.00	\$0.00	\$0.00	\$0.00

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of 18. If more than four adult household members, attach a separate sheet.

Name	Age	Person's Relationship to You (i.e., sister, friend, cousin, etc.)	Monthly Contribution
Nancy Shepard	53	Sister	\$0.00

Personal Asset and Debt Chart

- A.** Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

No.	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.			-		=	\$0.00	
2.			-		=	\$0.00	
3.			-		=	\$0.00	
4.			-		=	\$0.00	
5.			-		=	\$0.00	
6.			-		=	\$0.00	
7.			-		=	\$0.00	
8.			-		=	\$0.00	
9.			-		=	\$0.00	
10.			-		=	\$0.00	
11.			-		=	\$0.00	
12.			-		=	\$0.00	
13.			-		=	\$0.00	
14.			-		=	\$0.00	
15.			-		=	\$0.00	
TOTAL VALUE OF ASSETS		\$0.00	-	\$0.00	=	\$0.00	

- B.** Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than five unsecured debts, attach a separate sheet.

No.	Description of Credit Card or Other Unsecured Debt	Total Amount Owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.			
2.			
3.			
4.			
5.			
TOTAL UNSECURED DEBT		\$0.00	

CERTIFICATION

Attorney Information: Complete the following sentences:

1. I (have/have not) have retained an attorney for this case.
2. As of today's date, the attorney has been paid a total of 5,230.75 on my behalf.
3. I have a credit with my attorney has been paid in the amount of \$
4. I currently owe my attorney a total of \$
5. I owe my prior attorney a total of \$

IMPORTANT: Read the following paragraphs carefully and initial each one.

X I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

 I have attached a copy of my three most recent pay stubs to this form.

 I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.

 I have not attached a copy of my pay stubs to this form because I am currently unemployed.

P. Blount
Signature

7/2/20
Date

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the WILICK LAW GROUP and that on this

1st day of September, 2020, I caused the above and foregoing document to be served as follows:

- [X] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District Court," by mandatory electronic service through the Eighth Judicial District Court's electronic filing system.
- [X] By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada.
- [] Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent for service by electronic means.
- [] By hand delivery with signed Receipt of Copy.

To the address, e-mail address, and/or facsimile number indicated below:

Trevor R. Waite, Esq.
Alverson Taylor & Sanders
6605 Grand Montecito Parkway, Ste. 200
Las Vegas, Nevada 89149
Twate@AlversonTaylor.com
Attorneys for Father/Respondent

Candice Fox
2364 Wiki Way
Camp Verde, Arizona 86322
Arizona Counsel for Petitioner, Paula Blount

Stephanie Blount
Justin Blount
PO Box 61521
Las Vegas, Nevada

/s/ Victoria Javiel
An Employee of the WILICK LAW GROUP



ARIZONA STATE RETIREMENT SYSTEM

3300 NORTH CENTRAL AVENUE • PO BOX 33910 • PHOENIX, AZ 85067-3910 • PHONE (602) 240-2000
4400 EAST BROADWAY BOULEVARD • SUITE 200 • TUCSON, AZ 85711-3554 • PHONE (520) 239-3100
TOLL FREE OUTSIDE METRO PHOENIX AND TUCSON 1 (800) 621-3778
EMAIL ADDRESS: ASEMAC@AZASRS.GOV • WEB ADDRESS: WWW.AZASRS.GOV

Paul Mitroff
Director

Date: 07/02/2020

Paula Blount
PO Box 6856
Kingman, AZ 86402-6856

RE: Pension Verification

Dear Ms. Blount:

This letter is a verification of your pension benefit with the Arizona State Retirement System (ASRS). The ASRS has the following information currently on record:

Retirement Date: 04/11/2015

Gross Monthly Pension: \$1,574.08

Duration: Lifetime

Please note the Gross Monthly Pension amount may increase in the future due to permanent benefit increases.

If you have further questions you may contact the ASRS Member Advisory Center by secure message through your online account at www.azasrs.gov or by telephone at (602) 240-2000 in Phoenix, (520) 239-3100 in Tucson or toll-free outside metro Phoenix and Tucson at 1-800-621-3778.

Sincerely,
Member Advisory Center
ARIZONA STATE RETIREMENT SYSTEM

000414

Valentine Elementary
12491 N Byers
HC 35 Box 50
Peach Springs, AZ 86434

DIRECT DEPOSIT RECEIPT

PAYROLL

PAY DATE: 05/22/2020

DIRECT DEPOSIT AMOUNT: *One Thousand Four Hundred Fifty Five and 94/100 Dollars*****

\$1,455.94

**BLOUNT, PAULA J
3834 E LASS AVE
KINGMAN, AZ 86409**

NON - NEGOTIABLE

Valentine Elementary

Peach Springs, AZ 86434

BLOUNT, PAULA J	24	BI-WEEKLY	05/16/2020	05/22/2020	5/22/2020
Employee Name	Period	Pay Cycle	End Date	Pay Date	Deposit Date
Federal Status: Single or Married filing		State: AZ 2.7% of taxable wages			

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
Office Manager	0.00	0.00	0.00	1,428.08	0.00	34,297.92	15,719.88
In lieu of Insurance Payment	0.00	0.00	0.00	288.00	0.00	6,512.00	3,168.00
BUS DRIVER	0.00	0.00	0.00	100.00	0.00	100.00	100.00
EARNINGS Total:	0.00	0.00		1,817.08		41,209.92	18,987.88

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	173.07	1,783.77
FICA - MEDICARE	28.35	275.35
FICA - SOC SEC	112.86	1,177.26
STATE TAX W/H	49.05	512.65
DIRECT DEPOSIT SUREPAY	1,455.94	15,238.84
DEDUCTIONS Total:	1,817.08	18,987.88

EMPLOYER PAID BENEFITS	Amount	YTD
ASR5Alternative Contribution Rate	188.16	1,978.66
FICA - MEDICARE	28.35	275.35
FICA - SOC SEC	112.86	1,177.26
BENEFITS Total:	328.17	3,429.27

Valentine Elementary
12491 N Byers
HC 35 Box 50
Peach Springs, AZ 86434

DIRECT DEPOSIT RECEIPT
PAYROLL
PAY DATE: 06/05/2020

DIRECT DEPOSIT AMOUNT: ***One Thousand Three Hundred Seventy Eight and 29/100 Dollars*** **\$1,378.29**

BLOUNT, PAULA J
3834 E LASS AVE
KINGMAN, AZ 86409

NON - NEGOTIABLE

Valentine Elementary

Peach Springs, AZ 86434

BLOUNT, PAULA J	25	BI-WEEKLY	05/30/2020	06/05/2020	6/5/2020
Employee Name	Period	Pay Cycle	End Date	Pay Date	Deposit Date
Federal Status: Single or Married filing		State: AZ 2.7% of taxable wages			

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
Other Accum.	0.00	0.00	0.00	0.00	0.00	100.00	100.00
Office Manager	0.00	0.00	0.00	1,428.08	0.00	35,727.00	17,148.98
In lieu of Insurance Payment	0.00	0.00	0.00	288.00	0.00	7,200.00	3,425.00
EARNINGS Total:	0.00	0.00		1,717.08		43,027.00	20,704.98

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	181.07	1,944.84
FICA - MEDICARE	24.90	300.25
FICA - SOC SEC	108.48	1,283.72
STATE TAX W/H	45.35	858.02
DIRECT DEPOSIT SUREPAY	1,378.28	15,617.13
DEDUCTIONS Total:	1,717.08	20,704.98

EMPLOYER PAID BENEFITS	Amount	YTD
ASRS Alternative Contribution Rate	178.75	2,155.41
FICA - MEDICARE	24.90	300.25
FICA - SOC SEC	108.48	1,283.72
BENEFITS Total:	310.11	3,739.38

25

Valentine Elementary
12491 N Byers
HC 35 Box 50
Peach Springs, AZ 86434

DIRECT DEPOSIT RECEIPT
PAYROLL
PAY DATE: 06/19/2020

DIRECT DEPOSIT AMOUNT: ***One Thousand Three Hundred Seventy Eight and 23/100 Dollars***

\$1,378.23

BLOUNT, PAULA J
3834 E LASS AVE
KINGMAN, AZ 86409

NON - NEGOTIABLE

Valentine Elementary

Peach Springs, AZ 86434

BLOUNT, PAULA J	26	BI-WEEKLY	06/13/2020	06/19/2020	6/19/2020
Employee Name	Period	Pay Cycle	End Date	Pay Date	Deposit Date
Federal Status: Single or Married filing	State: AZ 2.7% of taxable wages				

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
Other Accum.	0.00	0.00	0.00	0.00	0.00	100.00	100.00
Office Manager	0.00	0.00	0.00	1,428.00	0.00	27,186.00	18,577.96
In lieu of Insurance Payment	0.00	0.00	0.00	288.00	0.00	7,488.00	3,744.00
EARNINGS Total:	0.00	0.00		1,717.00		44,744.00	22,421.96

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	181.05	2,106.90
FICA - MEDICARE	24.90	325.15
FICA - SOC SEC	108.45	1,390.17
STATE TAX W/H	46.38	605.38
DIRECT DEPOSIT SUREPAY	1,378.23	17,995.38
DEDUCTIONS Total:	1,717.00	22,421.96

EMPLOYER PAID BENEFITS	Amount	YTD
ASRS/Alternative Contribution Rate	178.74	2,334.15
FICA - MEDICARE	24.90	325.15
FICA - SOC SEC	108.45	1,390.17
BENEFITS Total:	310.09	4,049.47

Valentine Elementary
12491 N Byers
HC 35 Box 50
Peach Springs, AZ 86434

DIRECT DEPOSIT RECEIPT

PAYROLL

PAY DATE: 07/02/2020

DIRECT DEPOSIT AMOUNT: *One Thousand Four Hundred Seventy Four and 81/100 Dollars*****

\$1,474.81

**BLOUNT, PAULA J
3834 E LASS AVE
KINGMAN, AZ 86409**

NON - NEGOTIABLE

Valentine Elementary

Peach Springs, AZ 86434

BLOUNT, PAULA J	1	BI-WEEKLY	07/01/2020	07/02/2020	7/2/2020
Employee Name	Period	Pay Cycle	End Date	Pay Date	Deposit Date
Federal Status: Single or Married filing	State: AZ 2.7% of taxable wages				

EARNINGS	Reg Hrs	O/T Hrs	Rate	Amt	Over time	FTD	YTD
Other Accum.	0.00	0.00	0.00	0.00	0.00	0.00	100.00
Office Manager	0.00	0.00	0.00	1,525.23	0.00	1,525.23	20,103.19
In lieu of Insurance Payment	0.00	0.00	0.00	316.15	0.00	316.15	4,080.15
EARNINGS Total:	0.00	0.00		1,841.38		1,841.38	24,283.34

EMPLOYEE DEDUCTIONS	Amount	YTD
FED TAX W/H	175.98	2,281.68
FICA - MEDICARE	26.70	351.85
FICA - SOC SEC	114.17	1,504.34
STATE TAX W/H	49.72	656.10
DIRECT DEPOSIT SUREPAY	1,474.81	19,470.17
DEDUCTIONS Total:	1,841.38	24,283.34

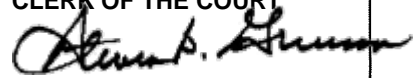
EMPLOYER PAID BENEFITS	Amount	YTD
ASRS Alternative Contribution Rate	188.00	2,522.16
FICA - MEDICARE	26.70	351.85
FICA - SOC SEC	114.17	1,504.34
BENEFITS Total:	328.87	4,378.34

2050

EXHIBIT “S”

EXHIBIT “S”

EXHIBIT “S”



ALVERSON TAYLOR & SANDERS
KURT R. BONDS, ESQ.
Nevada Bar #6228
TREVOR R. WAITE, ESQ.
Nevada Bar #13779
6605 GRAND MONTECITO PARKWAY
SUITE 200
LAS VEGAS, NEVADA 89149
efile@alversontaylor.com
(702) 384-7000
Attorneys for Father/Respondent

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

*

IN RE THE CUSTODY VISITATION OF)
JEREMIAH BLOUNT (DOB 1-19-2010);)
KAYDI BLOUNT (DOB 2-19-2013)
Minor Children)
PAULA BLOUNT)
Grandmother/Petitioner,)
v.)
JUSTIN BLOUNT,)
GRETCHEN WHATONAME,)
Father/Respondent.)

CASE NO.: D-20-605933-F
DEPT. NO.: J

DATE OF HEARING: N/A
TIME OF HEARING: N/A

RESPONSE TO COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS

COMES NOW, Father and Respondent Justin Blount, by and through his attorneys, the law firm of Alverson Taylor & Sanders, and hereby submit this Response to Countermotion for Attorney's fees and costs regarding this pending adoption matter.

Stephanie Blount submitted a motion to invalidate the Hualapai tribe's custody order and (very likely) inadvertently included Justin Blount's name. Clearly from her motion she was speaking on her behalf and the arguments contained therein applied to her. Ms. Blount is Justin's

1 wife and the adoptive mother of the Minor Children. As a non-legally trained individual, acting
2 *In Proper Person*, Ms. Blount should not to be held to the same standard of legal artfulness and
3 understanding as licenced attorneys. Certainly in submitting her motion to invalidate Ms. Blount
4 simply included Justin in her motion because they are married, a unified team if you will, and it
5 likely made sense to her to include Justin in filing that motion because the arguments she made
6 apply equally to him.
7

8 Turning momentarily to the motion, it appears that Ms. Blount has done nothing but
9 attempt to assert her parental rights and to ensure she is afforded the due process rights, in
10 relation to a fundamental right protected under the Constitution, do not continue to be violated. It
11 is clear from Ms. Blount's motion that even after the 2019 adoption of the Minor Children the
12 tribal court continued to ignore this Court's adoption order, and also failed (or more likely
13 refused) to acknowledge Ms. Blount as the Minor Children's legal mother. It is an undisputable
14 fact that Ms. Blount became an indispensable party to ANY proceedings involving the custody
15 and care of the Minor Children after the 2019 adoption. It is also an undisputable fact that the
16 tribal court never gave Ms. Blount notice or served her notice of any proceedings after the 2019
17 adoption. What is more, in the instant case Paula also failed to include Ms. Blount in the filing
18 and never served Ms. Blount notice of these proceedings.
19

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

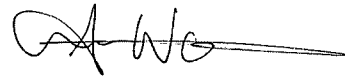
27 ///

28

1 For these reasons, Ms. Blount's motion appears to have been brought in good faith and
2 upon reasonable grounds. Upon such facts, the Court should DENY Paula's request for
3 attorney's fees and costs.

4 DATED this 11 day of September, 2020.

6 ALVERSON TAYLOR & SANDERS

7 

8
9 KURT R. BONDS, ESQ.
Nevada Bar #6228
10 TREVOR R. WAITE, ESQ.
Nevada Bar #13779
11 6605 GRAND MONTECITO PARKWAY
12 SUITE 200
LAS VEGAS, NEVADA 89149
13 (702) 384-7000
14 FAX (702) 385-7000
15 efile@alversontaylor.com
Attorneys for Father/Respondent

16 **CERTIFICATE OF SERVICE VIA CM/ECF**

17 I hereby certify that on this 11th day of September, 2020, I did serve, via Case
18 Management/Electronic Case Filing, a copy of the above **RESPONSE TO
COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS** addressed to:

19 Trevor M. Creel, Esq.
20 Willick Law Group
3591 E. Bonanza Rd., Ste. 200
21 Las Vegas, NV 89110-2101
Ph. (702) 438-4100
22 e-mail: trevor@willicklawgroup.com

23 

24 An Employee of ALVERSON TAYLOR &
25 SANDERS

26 ///

27 ///

28 ///

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 11th day of September, 2020, service of the foregoing **RESPONSE TO COUNTERMOTION FOR ATTORNEY'S FEES AND COSTS** was made this date by depositing a true copy of the same for mailing, first class mail at Las Vegas, Nevada, addressed as follows:

Stephanie Blount
PO Box 61521
Las Vegas, NV 89160

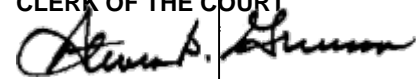

An Employee of ALVERSON TAYLOR &
SANDERS

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EXHIBIT “T”

EXHIBIT “T”

EXHIBIT “T”



Stephanie Blount
PO Box 61521
Las Vegas, NV 89160

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In re the matter of Custody of

JEREMIAH CALEB BLOUNT 1/19/10
KAYDI ROSE BLOUNT 2/19/13
Minor Children

CASE NO. D-20-605933-F

DEPT. J

PAULA BLOUNT
Petitioner,

v.

DATE OF HEARING: 9/29/2020
TIME OF HEARING: 3:00 PM

JUSTIN BLOUNT,
GRETCHEN WHATONAME,
Father/Respondent.

MOTHER'S RESPONSE TO OPPOSITION FOR MOTION TO INVALIDATE

I.

INTRODUCTION

COMES NOW, adoptive mother of the minor children. Stephanie Blount, *In Proper person*, and hereby files her Response to Paula Blount's OPPOSITION to the Motion to INVALIDATE. This Response is based upon the pleadings and papers already on file with the Court, the attached Memorandum of Points and Authorities and Exhibits thereto, and any oral argument allowed by the Court at the hearing on this matter.

Paula continues to argue only a narrow section of Nevada State law, however, this case is not so cut and dry as she would like this Court to think. The true fact is this case involves the interweaving and application of federal, state, and tribal law. Additionally while Paula attempts to make the argument that the Motion to Invalidate is a fugitive

1 document, she fails to understand that this is a separate but (admittedly) related matter to
2 the Motion to Recognize. The Petition for the Motion to Invalidate was filed by the Minor
3 Children's parents, in accordance with ICWA, and to bring to this Court's attention
4 violations of law in this case and in the tribal case, and in regards to the requests to
5 terminate the rights of the parents to Indian children, remove the Indian children from the
6 care of the parents¹, and set aside the adoption. However for convenience reasons and
7 promptness (and in the best interest of the children), if the court wishes to view the Petition
8 to Invalidate as only having been file by mother, Stephanie Blount, the outcome of the
9 issues is not effected as under ICWA the matter could be brought at any time by any person
10 on behalf of the parent(s). Either way the result is the same, Nevada is a court of competent
11 jurisdiction and has exercised jurisdiction over the Minor Children. The tribe did not have
12 grounds or (most importantly) jurisdiction to make the orders they did, and the tribe is
13 required to give full faith and credit to the adoption decree this court entered. The orders
14 Paula is attempting to have recognized and registered violate tribal, state and federal laws.
15 And this Court should deny her request and invalidate the tribal orders Paula is attempting
16 to register.
17

18 POINTS AND AUTHORITIES

19 II.

20 STATEMENT OF THE FACTS

21 Justin Craig Blount is the natural father of the two minor children at issue, to
22 wit: Jeremiah Blount, born January 19, 2010, and Kaydi Blount, born February 19,
23 2013, who are Native American children. Stephanie Blount, Justin Blount's wife and
24 who is potentially of Native American ancestry, is mother to Jeremiah Blount (Age 10)
25 and Kaydi Blount (Age 7). Both Jeremiah Blount and Kaydi Blount have been living in
26 Las Vegas, Nevada since December 2017. Biological mother, Gretchen Blount
27

28 ¹ One which parent is the natural parent of the Indian children and the other is parent through a legally binding adoption.

1 (however now deceased December 27, 2017), is the only person, aside from Justin
2 Blount and Stephanie Blount, who has ever held custody of the children.

3 The history involving these parties' is voluminous, fraught with tension and
4 grandparents who simply will not allow the children to live normal peaceful lives with
5 their parents. Since the time of Jeremiah's birth in 2010, Paula has made every effort to
6 undermine the role of the Parents, damage the parent child relationships², intervening in
7 custody disputes between Justin and Gretchen, and retaliating against dad for having
8 custody by obtaining fraudulent custody orders and attempting to kidnap the children.

9 During 2014 and 2015 Gretchen and Justin held negotiations over property,
10 custody, and visitation but made little headway. Finally in early 2016 both Justin and
11 Gretchen filed for divorce and custody but in separate courts. Temporary custody orders
12 were issued by the Hualapai Tribal court in 2016 granting Justin visitation. However
13 despite active efforts at obtaining his visitation rights, Paula Blount, Gretchen, and the
14 Hualapai Tribe hid the kids.

15 In mid-2017, after filing countless motions, that were ignored, and requesting
16 consistently to see and talk to Jeremiah and Kaydi a court date was finally set on the
17 matter. At that hearing the Hualapai Tribal Court issued new temporary custody orders
18 which were later vacated.

19 Not only are the Hualapai Tribe's orders invalid and Paula Blount's testimonies
20 fraudulent but there is a disregard for Federal, State, and Tribal law, and a clear attempt
21 to illegally obtain and detain the minor children Jeremiah Blount and Kaydi Blount.
22 There are thousands of pages of documentation demonstrating the facts over the past
23 years in regard to the minor children at issue, but the simple truth is much of them are
24 irrelevant at this time as the basic thresholds that must be met before orders can be
25 made aren't. There are basic issues at several levels of this matter that prevent this case
26 from going any further.

27
28 ² During 2014-2015 Paula periodically would steal time with the children from Justin. Then for almost a year and
a half, before the temporary orders made in mid-2017, Paula conspired with Gretchen and the tribe to hide the
children despite temporary custody orders.

1 II.

2 LEGAL ARGUMENT

3 A. RIGHT TO PETITION THIS COURT TO INVALIDATE THE TRIBAL COURT
4 ORDERS UNDER ICWA

5 Not only is Paula attempting to prevent having to go against mom and dad as a
6 united front in defending our inherent rights to our children, but she is also asking this
7 honorable court to refuse parents Justin and Stephanie Blount due process and mother's
8 rights to be heard. Paula even goes as far as to demand that the Motion to Invalidate due
9 to violations, especially those brought under the Indian Child Welfare Act, be dismissed
10 on ground of a 20 day contest time frame, which has not run for Stephanie. What Paula
11 is refusing to admit is that her request constitutes foster care and termination of parental
12 right. Thus in accordance with 25 U.S.C. § 1914 anyone at any time can petition a court
13 of competent jurisdiction, which is this court, to invalidate or dismiss a case due to
14 violations of any provision of section 1911, 1912, 1913 of the Indian Child Welfare
15 Act.
16

17
18 I. 25 U.S.C. § 1911

19 Exclusive jurisdiction

20 An Indian tribe shall have jurisdiction exclusive as to any State over any child
21 custody proceeding involving an Indian child **who resides or is domiciled**
22 **within the reservation of such tribe**, except where such **jurisdiction is**
23 **otherwise vested in the State by existing Federal law**. Where an Indian child
is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction,
notwithstanding the residence or domicile of the child.

24 As the children have never been wards of the Tribe it is imperative that the
25 guidelines of the UCCJEA be applied. *Also see Miss. Band of Choctaw Indians v.*
26 *Holyfield.*

27 a. All cases prior to the ones filed in 2019 are separate matters from this one

28 To bring some clarification to this matter the first and most important concern.

1 that of the jurisdiction, we must start with disputing Paula's claims that the jurisdiction
2 in THIS case is established by the ruling in the 3rd party visitation case from 2018.

3 In that case, case D-18-571209-O, the petition was FILED less than 4 months after the
4 Hualapai Tribe formally vacated its temporary custody orders *see Exhibit A*, and less
5 than 5 months after the children became residents of Nevada due to father's residency.
6 *See Exhibit B*. As a result of this time frame The Nevada District Court made a ruling
7 that: *See Exhibit C*.

8
9 *The Court Hereby Finds that Nevada does not have jurisdiction in this matter. The two*
10 *older children [Jeremiah Blount and Kaydi Blount] were not present in Las Vegas or*
11 *Clark County for the six consecutive months prior to the onset of this action, including*
12 *any temporary absence, immediately before the commencement proceedings. **Emphasis***
13 *added.*

14 *The Court Further Finds that the children may have been in Las Vegas for six months*
15 *as of the current hearing date but that is not the requirement or statute or in the case*
16 *file that follows. **Emphasis added.***

17 *The Court Further Finds...that forum [The tribe] is more convenient. The children are*
18 *older and have only lived in Nevada for a handful of months. All of the paperwork and*
19 *witnesses that would be relevant for an evidentiary hearing as to visitation reside or are*
20 *in the control of the tribe and the surrounding area. **Emphasis added.***

21 Through these orders it is determined that for case, D-18-571209-O, Nevada did not
22 have jurisdiction. The Supreme Court of Nevada also affirmed that at the time of
23 commencement of the 3rd party visitation case in 2018 Nevada did not have jurisdiction.
24 However, where the petitioner's argument faults is that they would have this honorable
25 court believe that the Supreme Court made a ruling in regard to "forever jurisdiction" and
26 that simply is not the case as the Supreme court ruled: *See Exhibit D*.

27 *NRS 125A.325 generally Prohibits Nevada courts from modifying a child custody order*
28 *made by a court in another jurisdiction. That statute makes an exception where (1) the*
29 *Nevada court would have jurisdiction under NRS 25A.305(1)(a) or (b), and (2) the other*
30 *jurisdiction determines that it no longer has exclusive, continuing jurisdiction or that a*
31 *Nevada court would be the more convenient forum, or a Nevada court determines that the*
32 *child and the child's parents "and any person acting as a parent" no longer reside in the*
33 *other jurisdiction. NRS 125A.325(1)-(2)....Specifically , jurisdiction [in Nevada] did not*
34 *exist under NRS 125A.305(1)(a) because the children had not been in Nevada for six*
35 *months at the time Paula filed her petition and therefore Nevada was not their home state*

1 *at the time the proceeding commenced.*

2 As plainly spelled out, this determination does not automatically determine
3 jurisdiction of all future custody proceedings. Under all relevant Federal, State, and Tribal
4 laws, jurisdiction over child custody proceedings are tested and decided at the time of the
5 commencement of a case. Due to this language jurisdiction is not instantly established in
6 the 2019 cases or in this case as a result of the 3rd party visitation case. The petitioner
7 knows this fact but yet they attempt to cloud the clear time frame by fraudulently changing
8 dates, that can be proven through time stamps on court documents, and by having this court
9 turn their attention to the dates at which orders were made as to try and twist the facts to
10 favor Paula's testimony.

11
12 b. Nevada had jurisdiction to hear the adoption

13 At the time of filing for Adoption Nevada had jurisdiction. During the Adoption a
14 hearing to sort out the ICWA related matters was heard and it was determined that ICWA
15 did not apply to that adoption. See **Exhibit E**. (Also see time stamp video from case D-19-
16 582179-A at 4/17/19 9:04-9:05:40).³ Thus, in order to properly determine jurisdiction and
17 properly translate the laws that apply to establishing jurisdiction we can refer back to the
18 Nevada Supreme Court's ruling. See **Exhibit D**.

19 *We treat tribes as states for purposes of the UCCJEA.*

20
21 c. Jurisdiction under the UCCJEA and Nevada statute give Nevada jurisdiction

22 **NRS § 125A.085. "Home state" defined**

"Home state" means:

- 23 1. The state in which a child lived with a parent or a person acting as a parent for
24 at least 6 consecutive months, including any temporary absence from the state,
immediately before the commencement of a child custody proceeding.
25 2. In the case of a child less than 6 months of age, the state in which the child
26 lived from birth, including any temporary absence from the state, with a parent or a
person acting as a parent.

27
28 ³ As this time stamped video is from a closed and sealed adoption, Petitioner has no right to a copy of the video
and it would be grossly inappropriate to furnish her a copy, but a copy could be made available to this court.

1 **NRS § 125A.305. Initial child custody jurisdiction**

2 1. Except as otherwise provided in NRS 125A.335, a court of this state has jurisdiction
3 to make an initial child custody determination only if:

4 (a) This state is the home state of the child **on the date of the commencement of**
5 the proceeding or was the home state of the child within 6 months before the
6 commencement of the proceeding and the child is absent from this state but a parent or
7 person acting as a parent continues to live in this state;

8 (b) A court of another state does not have jurisdiction pursuant to paragraph (a) or a
9 court of the home state of the child has declined to exercise jurisdiction on the ground that
10 this state is the more appropriate forum pursuant to NRS 125A.365 or 125A.375 and:

11 (1) The child and the child's parents, or the child and at least one parent or a
12 person acting as a parent, have a significant connection with this state other than mere
13 physical presence; and

14 (2) Substantial evidence is available in this state concerning the child's care,
15 protection, training and personal relationships;

16 (c) All courts having jurisdiction pursuant to paragraph (a) or (b) have declined to
17 exercise jurisdiction on the ground that a court of this state is the more appropriate
18 forum to determine the custody of the child pursuant to NRS 125A.365 or 125A.375; or

19 (d) No court of any other state would have jurisdiction pursuant to the criteria
20 specified in paragraph (a), (b) or (c).

21 2. Subsection 1 is the exclusive jurisdictional basis for making a child custody
22 determination by a court of this state.

23 3. Physical presence of, or personal jurisdiction over, a party or a child is not necessary
24 or sufficient to make a child custody determination.

25 At the time of filing the Adoption, on January 3, 2019, the children at issue had
26 lived in Nevada for over a year with their father Justin Blount, who at that time was the sole
27 surviving parent and the only person who had rights to the children. Also, all evidence in
28 regard to the children's care, protection, and training, at that time and since, was/is in
29 Nevada. Additionally despite the children having Native American ancestry, the PKPA,
30 UCCJEA, ICWA, and Nevada revised statute all give preference to the home state. Which at
31 the time of commencement was, and still is, Nevada.

32 c. The tribe no longer had jurisdiction

33 While the Tribe did hear the divorce and had made temporary custody orders, that were
34 later vacated, prior to the commencement of the Adoption, the tribe no longer had
35 jurisdiction over the children. The tribe also did not have jurisdiction under their laws either
36 as the children at issue were not residing on or within the boundaries of tribal
37 land/reservation nor did the tribe have jurisdiction under the UCCJEA.

Article 1 of the Hualapai Tribe Constitution - Jurisdiction

The jurisdiction of the Hualapai Tribe shall extend to all lands within the boundaries of the Hualapai Indian Reservation as established by Executive Orders of January 4, 1883 and June 2, 1911, and Public Law 93-560, December 30, 1974 and to any and all lands held by the Tribe, trust allotments located outside the reservation boundaries to the extent permitted by Federal law, and to any additional lands acquired by the Tribe or by the United States for the benefit of the Tribe. It is hereby declared that title to these lands includes but is not limited to all the surface rights, subsurface rights, tenements, hereditaments, all water rights and all accretions and that such lands are held by the United States of America in trust for the Hualapai Tribe. Except as prohibited by Federal law, the Hualapai Tribe shall have jurisdiction over all persons, property, lands, water, air space, resources and all activities occurring within the boundaries of the reservation or on other lands within the jurisdiction of the Tribe, notwithstanding the issuances of any right-of-way. Nothing in this article shall be construed to limit the ability of the Tribe to exercise its jurisdiction based upon its inherent sovereignty as an Indian Tribe.

Further proof of the lack of their jurisdiction can be determined by looking at the facts:

1. The Tribe Vacated their temporary child custody orders. *See Exhibit A*
2. It had been over a year since the children at issue began living in Nevada. *See Exhibit B*
3. Biological mother was deceased, and the only surviving parent lived in Nevada, and all persons acting as parent also lived in Nevada. *See Exhibit B*
4. All current evidence regarding the children; their care, protection, training, and relationships; at the time of filing the Adoption, were in Nevada.
5. The Hualapai Tribe in their court orders from January 30, 2020 declare that they did not have jurisdiction at the time the adoption was filed. *See Exhibit F.*

This Court has exercised jurisdiction over these children...since the original petition for custody was filed by the children's [grand]mother on February 26, 2019. (Also see Exhibit G). The Tribe then went on, in **Exhibit G**, to insinuate that they took jurisdiction under ICWA, but as documented in **Exhibit E** this is a fraudulent pretense.

As if this was not enough proof, during the adoption:

1. The Tribe made orders dismissing the maternal grandparents petition to

intervene in the adoption due to lack of jurisdiction. *See Exhibit H*

2. The Tribe, despite what Paula would have you believe, attempted to intervene, after the filing of the adoption, not on grounds of jurisdiction but under ICWA.

See Exhibit I

On February 20, 2019, the Hualapai Nation Tribe filed a Motion to Intervene Pursuant to ICWA.

Exhibit E

On April 17, 2019 the Court held a hearing on the Hualapai Nation's Motion to Intervene Pursuant to the ICWA. (Also see time stamp video from case D-19-582179-A at 4/17/19 9:04-9:05:40).

Exhibit J

*NOTICE OF WITHDRAW OF HUALAPAI TRIBE'S MOTION TO INTERVENE AND MOTION TO RECOGNIZE TRIBL COURT ORDERS... Any and all filings, including this motion, have been filed through the nation's designated ICWA representative under federal ICWA law only. **Emphasis added***

The Tribe was given multiple opportunities, during the adoption, to argue jurisdiction and state their case but they failed to do so as they did not have jurisdiction. *See Exhibit K.* While Petitioner would have this court believe the Tribe failed to do anything, the facts will show the Hualapai Tribe did act. First in open court the Hualapai ICWA specialist, who under ICWA is permitted to act as legal representation for the tribe, Motions the Nevada State Court to withdraw the Motion to Intervene and the Motion to Recognize the May 2019 tribal orders (which are the same ones Paula asked to be recognized). (Also see time stamp video from case D-19-582179-A at 4/17/19 9:03-9:06). Also in open court the Tribe's ICWA coordinator states she is representing the Hualapai Tribe. (Also see time stamp video from case D-19-582179-A at 4/17/19 9:03-9:03:20). Additionally, the ICWA specialist, who has extensive

1 knowledge of The Tribal codes, UCCJEA, and ICWA stated not that the tribe had
2 jurisdiction to make their orders but that they made the orders because the children
3 where Native American tribal members. (Also see time stamp video from case D-19-
4 582179-A at 4/17/19 9:13-9:14:40). Then after this court hearing the licensed attorney
5 on record for the tribe formally made all the same testimonies the ICWA specialist
6 made and formally withdrew their two motions.

7 d. The tribe did not have jurisdiction to hear case 2019-CC-004 or to make the
8 orders they did

9 At the time of the filing of case 2019-CC-004 Jeremiah Blount and Kaydi Bount
10 lived and had been living in Nevada for more than a year with their father, Justin
11 Blount. Also at the time of commencement there was a pending stepparent adoption
12 proceeding in the Nevada State Court. *See Exhibit L.*

13 Case 2019-CC-004 was brought to the Hualapai Tribal Court as a dependency
14 case with a request for resulting child custody determination, on February 26, 2019, as a
15 result of the Petition for adoption in the Nevada State Court. *See Exhibit G.*

16 The Hualapai Tribe states in their Summons that: *See Exhibit G.*

17 *...the above-named juvenile [Jeremiah Blount] has violated tribal law and*
18 *should be adjudicated a delinquent child pursuant to Chapter 13, Section 13.3 (E) and*
19 *Sec. 13.5(A) of the Hualapai juvenile Code*
20

21
22 **Chapter 13 of the Hualapai Constitution Section 13.3 Jurisdiction**

23 The Tribal Juvenile Court shall have original jurisdiction of all persons under the age of
24 18, **within the jurisdiction of the Hualapai Tribe** in all cases

25 **Chapter 13 of the Hualapai Constitution Section 13.16 Summons and service of**
26 **process**

27 I. If the parent(s) or guardian(s) required to be summoned cannot be found within the
28 Reservation, the child's presence **within the Reservation** shall confer jurisdiction on
the Juvenile Court in proceedings in under this Chapter as to any absent parent or
guardian, provided that due notice has been given in one of the following manners...

Article 1 of the Hualapai Tribe Constitution - Jurisdiction

The jurisdiction of the Hualapai Tribe shall extend to **all lands within the boundaries of the Hualapai Indian Reservation** as established by Executive Orders of January 4, 1883 and June 2, 1911, and Public Law 93-560, December 30, 1974 and to any and all lands held by the Tribe, trust allotments located outside the reservation boundaries to the extent permitted by Federal law, and to any additional lands acquired by the Tribe or by the United States for the benefit of the Tribe. It is hereby declared that title to these lands includes but is not limited to all the surface rights, subsurface rights, tenements, hereditaments, all water rights and all accretions and that such lands are held by the United States of America in trust for the Hualapai Tribe. Except as prohibited by Federal law, the Hualapai Tribe shall have jurisdiction over all persons, property, lands, water, air space, resources and all activities occurring **within the boundaries of the reservation** or on other lands within the jurisdiction of the Tribe, notwithstanding the issuances of any right-of-way. Nothing in this article shall be construed to limit the ability of the Tribe to exercise its jurisdiction based upon its inherent sovereignty as an Indian Tribe.

The first issue with this case is that neither Jeremiah Blount nor Kaydi Blount had lived or even stepped foot on Hualapai land in over a year prior to this case in the Hualapai Tribal Court being commenced, thus no tribal law could have possibly been broken nor could the tribe have gained jurisdiction under Article 1, section 13.3, or section 13.16 of the Hualapai Constitution. Secondly, the tribe did not have UCCJEA jurisdiction at the time of commencement of this case as Nevada was the home state. The tribe also had not acquired jurisdiction under ICWA as there had been no such case held in the children's home state much less a hearing requesting the case be transferred to the Tribe. Additionally, Tribal law (specifically section 12.30) declares that the Tribal court did not have grounds to hear the matter or jurisdiction to make a determination in regards to the petition(s) Gretna and Wilfred Whatoname (biological mother's parents) filed or the petition Paula Blount filed.

Section 12 of the Hualapai Constitution Section 12.30 Commencement of Child Custody Proceeding; Notice; Intervention

A. A child custody proceeding is commenced in the Tribal Court:

1. By a parent, filing a Petition:

- a. For the dissolution or legal separation; or
- b. For custody of the child; or

2. By a person other than a parent, by filing a Petition for custody of the child, **but only if the child is not in the physical custody of one of his parents.**

e. The tribe assumed it had jurisdiction based on false pretense

In the original petition in case 2019-CC-004 Gretna and Wilfred Whatoname

1 made false pretenses that the tribe had received approval for the case to be transferred
2 under ICWA to the tribe, after receiving Justin and Stephanie Blount's opposition to the
3 Hualapai's motion to intervene in the adoption, to get the Hualapai Tribal court to hear
4 the case. Despite the matter of ICWA having been heard and decided and the adoption
5 having been approved with a final decree having been sent to the Tribe (*see Exhibit*
6 **M**), the Hualapai Tribe did not dismiss the case⁴ as the Tribe believes through these
7 invalid and fraudulent orders they can remove the children from nonnative dad and help
8 the native grandparents obtain and detain the children at issue.⁵

9 f. The adoption is valid and correct

10 The State of Nevada, like every State, has always governed domestic relations
11 within its borders, including legal relationships between parents and children. Nevada,
12 like most States, generally follows the basic guidelines: (1) the rights of the parents to
13 raise their children should not be displaced without good cause, and (2) the child's best
14 interest. Petitioner has knowledge that the orders she is trying to have registered and
15 recognized are not valid, thus is accusing the adoption of being incorrect because there
16 is nothing she could accuse that would make a court go against these precepts especially
17 when there are two parents.⁶

18 1. Nevada had jurisdiction over the Adoption

19
20 **NRS 127.010 Jurisdiction of district courts.** Except if the child involved is subject to
21 the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act, the district
22 courts of this State have original jurisdiction in adoption proceedings.

23 **NRS 127.018 Court order required if home state of child is Nevada; exception.**

24 1. Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the

25 ⁴ The Tribe's code and ICWA both make it very clear that the tribe only has jurisdiction on and within the
26 reservation. You could even refer to Senator Marco Rubio's tweet in Johnson v. Miccosukee tribe, which iterates
27 the same thing and led to that tribe returning the kidnapped child back to its parents.

28 ⁵ Gretna and Wilfred Whatoname's original motion for custody in 2019 was also filed after Justin and Stephanie
Blount discovered that Gretna, who has active arrest warrants for fraud, had been using Kaydi Blount's identity to
obtain expensive medical equipment, 2-3 oxygen tanks per month, and prescription opiates.

⁶ Petitioner, Paula Blount, states neglect as the reason for petitioning for custody, but if that were the case she
would request custody of all of her grandchildren. Yet Paula is only taking action for custody of the two children
we have who receive SSI benefits (which she knows about from the attorney fees we were previously awarded)
and have a right to money from their tribe.

1 Indian Child Welfare Act, a child of whom this State: (a) Is the home state on the date
2 of the commencement of the proceeding; or
3 (b) Was the home state within 6 months before the commencement of the proceeding,
4 may not be adopted except upon an order of a district court in this State.
5 2. As used in this section, "home state" means:
6 (a) The state in which a child lived for at least 6 consecutive months, including any
7 temporary absence from the state, immediately before the commencement of a proceeding;
8 or
9 (b) In the case of a child less than 6 months of age, the state in which the child lived from
10 birth, including any temporary absence from the state.

11 As established in **Exhibit E** ICWA did not apply to the Adoption proceeding. In
12 accordance with the UCCJEA, NRS 127.010, and NRS 127.018 Nevada did in fact have
13 jurisdiction to approve the stepparent adoption.

14 2. The grandparent(s) did not have a right to notice of the adoption

15 **NRS 127.123 Notice of filing of petition to be provided legal custodian or guardian**
16 **of child.** Notice of the filing of a petition for the adoption of a child must be provided to
17 the legal custodian or guardian of the child if that custodian or guardian is a person other
18 than the natural parent of the child.

19 As no persons other than Father, Justin Blount, had any rights to the children as ordered
20 by a court of competent jurisdiction prior to the filing of the adoption, no party had the right
21 to notice of the adoption. This truth is backed by the fact that at the first hearing in the
22 adoption proceeding the Whatoname family was interviewed by the judge about their *court*
23 *ordered rights* and informed that they didn't even have a right to be in the hearing.

24 Also see time stamp video from case D-19-582179-A at 1/29/19 09:19-09:25. Wilfred and
25 Gretna Whatoname were then graciously given an opportunity to file a request with the
26 Nevada Court before the next hearing, the ICWA hearing, and it would be heard, but they
27 filed nothing in the adoption. Instead they ran to the tribe as they knew no unbiased court
28 would ever grant them rights after the abuse, neglect, and abduction that had occurred. *See*
Exhibit N and Exhibit O.

2. 25 U.S.C. § 1912

25 U.S.C. § 1912: Pending court proceedings

(a) Notice: time for commencement of proceedings; additional time for preparation
1 **In any involuntary proceeding** in a State court, where the court knows or has
2 reason to know that an Indian child is involved, the party seeking the foster care
3 placement of, **or termination of parental rights to, an Indian child shall notify**
4 **the parent or Indian custodian and the Indian child's tribe, by registered mail**
5 **with return receipt requested, of the pending proceedings and of their right of**
6 **intervention.** If the identity or location of the parent or Indian custodian and the
7 tribe cannot be determined, such notice shall be given to the Secretary in like
8 manner, who shall have fifteen days after receipt to provide the requisite notice to
9 the parent or Indian custodian and the tribe. **No foster care**
10 **placement or termination of parental rights proceeding shall be held until at**
11 **least ten days after receipt of notice by the parent or Indian custodian and the**
12 **tribe or the Secretary;** Provided, That the parent or Indian custodian or the tribe
13 shall, upon request, be granted up to twenty additional days to prepare for such
14 proceeding.

a. Proper notice was not given in initial filing of case 2019-CC-004

11 **Section 13 of the Hualapai Constitution Section 13.16 summons and service of** 12 **process**

13 **H. Service of process shall be made by a Peace Officer** but, upon request of the
14 Court, such service may be made by any other person appointed by the Court.
15 Service of process within the Hualapai Reservation may be made by delivering a
16 copy thereof to the person summoned; however, parents who are living together at
17 their usual place of abode may be served by delivery of two copies of the summons
18 to either. If personal service of process is impractical under the circumstances, the
19 Court may order service by **registered mail with return receipt requested to be**
20 **signed by the addressee only,** to be addressed to the last known address of the
21 person to be served. Service shall be complete upon return of the signed receipt to
22 the court.

23 **I. If the parent(s) or guardian(s) required to be summoned cannot be found within**
24 **the Reservation, the child's presence within the Reservation shall confer jurisdiction**
25 **on the Juvenile Court in proceedings in under this Chapter as to any absent parent or**
26 **guardian, provided that due notice has been given in one of the following**
27 **manners:**

28 **1. If the address of the parent(s) or guardian(s) is known,** by sending him or her
a copy of the summons by **registered mail with a return receipt requested to**
be signed by the addressee only, or by personal service outside the
Reservation. Service by mail shall be complete upon return to the Court of the
signed receipt.

2. If the address or whereabouts of the parent(s) or guardian(s) outside the
Reservation cannot after diligent inquiry be ascertained, by publishing a
summons in a newspaper having general circulation within and around the
Reservation. The summons shall be published once a week for three successive
weeks. Service shall be deemed complete on the day of the last publication.

There have been numerous errors in this case under all laws, including tribal

1 laws, in regards to determining jurisdiction, granting ex parte orders for custody, and to
2 all the action that has occurred in case 2019-CC-004. At the commencement of this case
3 the Tribe did not properly serve father, Justin Blount, as the Summons and petition were
4 not sent registered mail with return receipt to father nor was a signature required.

5 b. Proper notice was not given in either case 2019-CC-004, in regards to Paula's
6 petition, or in case D-20-605933-F

7 **Section 13 of the Hualapai Constitution Section 13.31 Judgments and Orders**

8 **C. Notice and a hearing shall also be required in any case** in which the effect of
9 modifying or setting aside any order **may be to deprive a parent of the legal**
10 **custody of a child**, to place the child in an institution or agency, or to transfer the
11 child from one institution or agency to another, except that transfer from one foster
12 home to another may be effected without notice and hearing.

13 Correct and proper notice, in regards to Paula's Petition in the dependency case
14 2019-CC-004, was not given to Mother, Stephanie Blount, or Father, Justin Blount, in
15 accordance to 13.16 or section 13.31 of the Hualapai Tribal Constitution. *See Exhibit*

16 **P.** Yet the Hualapai Tribal Court ignores their own laws by continuing with the
17 proceeding despite realizing improper notice was given to father. *See Exhibit F.*⁷

18 **NRS 125A.345 Notice; opportunity to be heard; joinder.**

19 1. Before a child custody determination is made pursuant to the provisions of this
20 chapter, notice and an opportunity to be heard in accordance with the standards of NRS
21 125A.255 must be given to all persons entitled to notice pursuant to the law of this state
22 as in child custody proceedings between residents of this state, any parent whose
23 parental rights have not been previously terminated and any person having physical
24 custody of the child.

25 2. The provisions of this chapter do not govern the enforceability of a child custody
26 determination made without notice or an opportunity to be heard.

27 3. The obligation to join a party and the right to intervene as a party in a child custody
28 proceeding conducted pursuant to the provisions of this chapter are governed by the law
of this state as in child custody proceedings between residents of this state.

NRS 125A.465 Registration of child custody determination.

1. A child custody determination issued by a court of another state may be registered in this state,
with or without a simultaneous request for enforcement, by sending to a court

⁷ Because the ICWA language is found throughout the Hualapai Tribe's code the tribe is required to hold to ICWA
standard especially because non native parents should be given the same protections afforded to native parents.
Alternatively if ICWA is in fact a racial law then the tribes orders should be held to the same standards as
arbitration awards when validating the orders especially because ICWA also requires those standards. *See Casey v.*
Wells Fargo.

of this state which is competent to hear custody matters:

(a) A letter or other document requesting registration;

(b) Two copies, including one certified copy, of the determination sought to be registered, and a statement under penalty of perjury that to the best of the knowledge and belief of the person seeking registration the order has not been modified; and

(c) Except as otherwise provided in NRS 125A.385, the name and address of the person seeking registration and **any parent or person acting as a parent** who has been awarded custody or visitation in the child custody determination sought to be registered.

25 U.S.C. § 1912: Pending court proceedings

(a) Notice; time for commencement of proceedings; additional time for preparation
In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, **the party seeking the foster care placement of, or termination of parental rights to,** an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, **by registered mail with return receipt requested, of the pending proceedings and of their right of intervention.** If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. **No foster care placement or termination of parental rights proceeding shall be held until at least ten days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary:** Provided, That the parent or Indian custodian or the tribe shall, upon request, be granted up to twenty additional days to prepare for such proceeding.

The issue of notice becomes even more grave as mother, Stephanie Blount, was not a named party to either case. While Stephanie may not be the biological mother, she is still mother to Jeremiah Blount and Kaydi Blount. Stephanie Blount has an adherent right and interest to the custody and control of her children. Stephanie's parental rights have never been terminated and none of her children have ever even temporarily been removed from her custody and control. This same issue was also addressed in the 3rd party visitation case and appeal as Paula also denied Stephanie Blount her rights in that case as well, *See Exhibit C and Exhibit D*. Thus, under Section 13 of the Hualapai Constitution, NRS 125A.465 and NRS 125A.345, and 25 U.S.C. § 1912 (and the notice laws that apply to setting aside an adoption) this case should be dismissed and the orders made invalid.

c. Active efforts have not occurred

1 **25 U.S.C. § 1912 (d) REMEDIAL SERVICES AND REHABILITATIVE PROGRAMS;**
2 **PREVENTIVE MEASURES**

3 Any party seeking to effect a foster care placement of, or termination of parental
4 rights to, an Indian child under State law shall satisfy the court that active efforts
5 have been made to provide remedial services and rehabilitative programs
6 designed to prevent the breakup of the Indian family and that these efforts have
7 proved unsuccessful.

8 Under ICWA active efforts pre-removal of the children, excluding emergencies,
9 is required. However despite the Hualapai Tribe using similar verbiage as that of the
10 ICWA throughout their codes, no efforts have been made at any point in time.

11 d. Evidence

12 **25 U.S.C. § 1912**

13 **(e) FOSTER CARE PLACEMENT ORDERS; EVIDENCE; DETERMINATION OF DAMAGE TO**
14 **CHILD**

15 No foster care placement may be ordered in such proceeding in the absence of a
16 determination, supported by **clear and convincing evidence, including testimony of**
17 **qualified expert witnesses**, that the continued custody of the child by
18 the parent or Indian custodian is likely to result in serious emotional or physical damage
19 to the child.

20 **(f) PARENTAL RIGHTS TERMINATION ORDERS; EVIDENCE; DETERMINATION OF**
21 **DAMAGE TO CHILD**

22 No termination of parental rights may be ordered in such proceeding in the absence of a
23 determination, supported by **evidence beyond a reasonable doubt, including**
24 **testimony of qualified expert witnesses**, that the continued custody of the child by
25 the parent or Indian custodian is likely to result in serious emotional or physical damage
26 to the child.

27 While the tribe again uses similar language and at times exactly the same language
28 as ICWA, not a single piece of evidence has been provided to warrant any type of action
29 against Justin and Stephanie much less removal of our children from our care and
30 termination of our rights.⁸

31 ⁸ In addition to there not being a single piece of evidence presented at any point, it is imperative that this court also
32 realize that there are multiple other children in our home. No court, child welfare agency, or even 3rd party is even
33 showing interest or concern for those children as all of our children are happy and taken care of.

1 B. THE HUALAPAI TRIBE IS IN VIOLATION OF ICWA AS ICWA APPLIES TO
2 THESE CASES

3
4 1. ICWA applies to case 2019-CC-004 and to this case, D-20-605933-F

5 25 U.S.C.A. § 1902: Congressional declaration of policy

6 The Congress hereby declares that it is the policy of this Nation to protect the best
7 interests of Indian children and to promote the stability and security of Indian
8 tribes and families by the establishment of minimum Federal standards for the
9 removal of Indian children from their families and the placement of such
10 children in foster or adoptive homes which will reflect the unique values
of Indian culture, and by providing for assistance to Indian tribes in the operation of
child and family service programs.

11 As such Congress set two thresholds that must be satisfied before ICWA can apply.
12 The first threshold is satisfied as the children are "Indian Children" as defined in 25
U.S.C.A. § 1903(4). However, the second prerequisite is also met as these cases are
child custody proceedings as defined by 25 U.S.C.A. § 1903(1).

13 25 U.S.C.A. § 1903

14 (1) "child custody proceeding" shall mean and include

15 (i) "foster care placement" which shall mean any action removing an child from
16 its parent or Indian custodian for temporary placement in a foster home or
institution or the home of a guardian or conservator where the parent or Indian
custodian cannot have the child returned upon demand, but where parental rights
have not been terminated;

17 (ii) "termination of parental rights" which shall mean any action resulting in the
18 termination of the parent-child relationship;

19 (iii) "pre-adoptive placement" which shall mean the temporary placement of an
Indian child in a foster home or institution after the termination of parental
rights, but prior to or in lieu of adoptive placement; and

20 (iv) "adoptive placement" which shall mean the permanent placement of an
21 Indian child for adoption, including any action resulting in a final decree of
adoption.

22 Such term or terms shall not include a placement based upon an act which, if
23 committed by an adult, would be deemed a crime or upon an award, in a divorce
proceeding, of custody to one of the parents. **Emphasis added.**

24
25 This proceeding **IS** a foster care placement proceeding as this action **DOES**
26 remove an Indian child from its parent (*emphasis added*), and it **DOES** prevent the
27 return of the Indian child to their parents. Additionally, the Tribal Court orders **DO**, and
28 if recognized those orders **WILL**, terminate the parental rights of Stephanie Blount and

Justin Blount. Lastly, Neither case is a dispute between the Parents but **WILL** result in a child Custody determination, thus in accordance with the BIA guidelines and ICWA, ICWA applies.

2. THE HUALAPAI TRIBE IS IN VIOLATION OF ICWA AND OUR RIGHTS, AS PARENTS, UNDER ICWA AND THE UNITED STATES CONSTITUTION

The Tribe is in violation of ICWA as the Hualapai Tribe **cannot** take jurisdiction over a matter without first having jurisdiction or petitioning for intervention and transfer of proceedings.

25 U.S.C.A. § 1911: Indian tribe jurisdiction over Indian child custody proceedings

(a) Exclusive jurisdiction

An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child.

(b) Transfer of proceedings: declination by tribal court

In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, **absent objection by either parent**, upon the petition of either parent or the Indian custodian or the Indian child's tribe: Provided, That such transfer shall be subject to declination by the tribal court of such tribe.

In regard to jurisdiction in case 2019-CC-004, the matter of jurisdiction has already been heard and ruled on. The end result led to the Nevada State Court entering orders in regard to Jeremiah Blount and Kaydi Blount.

While the Tribe can have proceedings transferred under ICWA, The Tribe is not instantly granted transfer of the proceeding, thus it was inappropriate for the Hualapai Tribe to do anything other than dismissing case 2019-CC-004. Even IF this case was petitioned in the Nevada Court, the proper court, both Mom and Dad would have

1 objected to the transfer, thus the tribe would have never had the power to make orders
2 in this case.

3 **25 U.S.C.A. § 1912: Pending court proceedings**

4 (a)Notice: time for commencement of proceedings; additional time for preparation
5 In any involuntary proceeding in a State court, where the court knows or has reason to
6 know that an Indian child is involved, the party seeking the foster care placement of,
7 or termination of parental rights to, an Indian child shall notify the parent or Indian
8 custodian and the Indian child's tribe, by registered mail with return receipt requested,
9 of the pending proceedings and of their right of intervention. If the identity or location
10 of the parent or Indian custodian and the tribe cannot be determined, such notice shall
11 be given to the Secretary in like manner, who shall have fifteen days after receipt to
12 provide the requisite notice to the parent or Indian custodian and the tribe. No foster
13 care placement or termination of parental rights proceeding shall be held until at least
14 ten days after receipt of notice by the parent or Indian custodian and the tribe or
15 the Secretary: Provided, That the parent or Indian custodian or the tribe shall, upon
16 request, be granted up to twenty additional days to prepare for such proceeding.

17 As a result of 25 U.S.C.A. § 1912(a), Wilfred and Gretna Whatoname, the Hualapai
18 Tribe, and Paula Blount are all in violation of the parents, Justin Blount and Stephanie
19 Blount, rights as Mother, Stephanie Blount, was NEVER served or named and Justin
20 Blount, father to the children, was NEVER correctly served.

21 **25 U.S.C.A. § 1912: Pending court proceedings**

22 (d)Remedial services and rehabilitative programs; preventive measures

23 **Any party seeking to effect a foster care placement of, or termination of parental**
24 **rights to, an Indian child under State law shall satisfy the court that active efforts**
25 **have been made to provide remedial services and rehabilitative programs designed to**
26 **prevent the breakup of the Indian family and that these efforts have proved**
27 **unsuccessful.**

28 (e)Foster care placement orders; evidence; determination of damage to child

No foster care placement may be ordered in such proceeding in the absence of a
determination, **supported by clear and convincing evidence, including testimony of**
qualified expert witnesses, that the continued custody of the child by
the parent or Indian custodian is likely to result in serious emotional or physical damage
to the child.

(f)Parental rights termination orders; evidence; determination of damage to child

No termination of parental rights may be ordered in such proceeding in the absence of a
determination, **supported by evidence beyond a reasonable doubt, including**
testimony of qualified expert witnesses, that the continued custody of the child by
the parent or Indian custodian is likely to result in serious emotional or physical damage
to the child.

1 Through these two cases the parental rights of both Justin Blount and Stephanie
2 Blount would be terminated and the children removed from their family, but yet NO
3 evidence has been presented, to allow for any type of child custody proceeding as
4 defined by 25 U.S.C.A. § 1903, much less evidence beyond a reasonable doubt⁹ nor has
5 testimony by a qualified expert witness been made in accordance with 25 U.S.C.A. §
6 1912 (d-f).

7 **C. THIS CASE TO RECOGNIZE COURT ORDERS AND SET ASIDE THE**
8 **ADOPTION SHOULD BE DISMISSED AND THE ACTIONS THAT HAVE**
9 **OCCURRED IN CASE 2019-CC-004 SHOULD BE INVALIDATED**

10 **25 U.S.C.A § 1914. Petition to court of competent jurisdiction to invalidate**
11 **action upon showing of certain violations**

12 Any Indian child who is the **subject of any action for foster care placement or**
13 **termination of parental rights** under State law, any parent of Indian custodian
14 from **whose custody such child was removed**, and the Indian child's tribe **may**
15 **petition any court of competent jurisdiction** to invalidate such action upon a
16 showing that such action violated any provision of sections 1911, 1912, and 1913 of
17 this title.

18 It is being requested that this Honorable Court, who has proper jurisdiction,
19 invalidate the tribal court orders due to violation of U.S.C.A. § 1911 and U.S.C.A. §
20 1912.

21 **D. THE CUSTODY ORDERS THAT PETITIONER IS TRYING TO HAVE**
22 **RECOGNIZED HAVE BEEN MODIFIED**

23 While the orders petitioner would like recognized were never valid, due to all
24 the issues listed above, these orders are even less so now that they have been modified.
25 Thus, petitioner's request should be denied. *See Exhibit Q.*

26 **III.**

27 **Conclusion**

28 Based on the above, Stephanie Blount is respectfully requesting this Honorable
Court issue the following orders:

⁹ NRS 125C.050(4) uses similar language stating "clear and convincing evidence" must be presented by person seeking rights in order to go against the parents wishes.

1. Deny Paula Blount's petition for registration.
2. Invalidate the Hualapai Tribe's orders in case 2019-CC-004.
3. Award Justin and Stephanie Blount attorney fees and cost
4. For such other relief as this Court deems just and proper.

DATED this ____ day of September, 2020.

Submitted by:

Stephanie Blount
PO Box 61521
Las Vegas, NV 89160

CSERV
Name: Stephanie Blount
Address: PO BOX 61521
Las Vegas, NV 89160
Telephone: _____
Email Address: _____
In Proper Person

In re the matter of **DISTRICT COURT**
custody of **CLARK COUNTY, NEVADA**
Jeremiah & Kayla Blount

Paula Blount
Plaintiff,

CASE NO.: No. D-20-605933-F
DEPT: 5

vs.

Justin Blount
Defendant.

CERTIFICATE OF SERVICE

I, (name of person who served the document) Stephanie Blount,
declare under penalty of perjury under the law of the State of Nevada that the following is true
and correct. That I served the: **(check all that apply)**

- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> Motion | <input type="checkbox"/> Answer | <input type="checkbox"/> Financial Disclosure Form |
| <input type="checkbox"/> Opposition | <input checked="" type="checkbox"/> Reply | <input type="checkbox"/> Notice of Entry of Judgment / Order / Decree |
| <input type="checkbox"/> Other: _____ | | |

In the following manner: **(check one)**

- ☒ **Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on
the (day) 16 of (month) September, 2020 addressed to:

(Print the name and address of the person you mailed the document to)

Marshal S. Willick, ESQ
3591 E Bonanza Rd, Suite 200
Las Vegas, NV 89110

- ☐ **Electronic:** Through the Court's electronic service system on (date) _____
at (time) _____ ☐ a.m. ☐ p.m.

DATED this 16 day of September, 2020

Submitted By: (Signature) ▶ [Signature]

CSERV
Name: Stephanie Blount
Address: PO BOX 61521
Las Vegas, NV 89160
Telephone: _____
Email Address: _____
In Proper Person

In re the matter of **DISTRICT COURT**
Custody of **CLARK COUNTY, NEVADA**
Jeremiah & Kaydi Blount

Paula Blount
Plaintiff,

vs.

Justin Blount
Defendant.

CASE NO.: No. D-20-605933-F
DEPT: 5

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I, (name of person who served the document) Stephanie Blount,
declare under penalty of perjury under the law of the State of Nevada that the following is true
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- | | | |
|---------------------------------------|---|---|
| <input type="checkbox"/> Motion | <input type="checkbox"/> Answer | <input type="checkbox"/> Financial Disclosure Form |
| <input type="checkbox"/> Opposition | <input checked="" type="checkbox"/> Reply | <input type="checkbox"/> Notice of Entry of Judgment / Order / Decree |
| <input type="checkbox"/> Other: _____ | | |

In the following manner: (**check one**)

- ☒ **Mail:** By depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, on
the (day) 16 of (month) September, 2020 addressed to:

(Print the name and address of the person you mailed the document to)

Trevor R Waite, ESQ
6605 Grand Montecito Pkwy suite 200
Las Vegas, NV 89149

- ☐ **Electronic:** Through the Court's electronic service system on (date) _____
at (time) _____ ☐ a.m. ☐ p.m.

DATED this 16 day of September, 2020

Submitted By: (Signature) ▶

[Signature]