

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA APR 23 2021

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

Appellant,

vs.

SEAN R. ABID,

Respondent.

S.C. Appeal No.: 82781

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

DEPUTY CLERK

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

Dept. No.: T

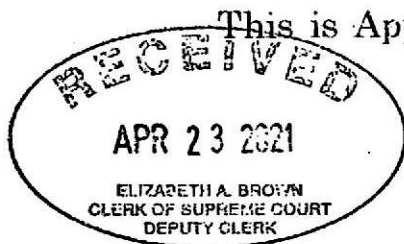
**MOTION FOR TRANSMITTAL OF FMC CHILD INTERVIEW
REPORT FROM FEBRUARY 13, 2020**

COMES NOW, Appellant Lyudmyla Abid n/k/a Lyudmyla Pyankovska, in proper person, pursuant to NRAP 27 requests an order from this court directing the district court clerk to transmit a copy of the Child Interview Report, prepared by Family Mediation Center to this court to be held confidentially as well as be made part of the appendices in this appeal.

The Motion is made and based on all the papers and pleading on the file herein, the Points and Authorities submitted herewith, the Declaration of the Appellant attached hereto, and is made in a good faith and not to delay justice.

POINTS AND AUTHORITIES

This is Appellant's second attempt to appeal from November 20,



21-11780

2019 hearing denying modification of custody.

The previous appeal no.80933 was dismissed due to the lower court's failure to require respondent to prepare the proposed findings of fact and conclusion of law regarding the denial of motion to modify custody. The proposed Order was finally entered on November 2, 2020. The tolling motion was decided on February 26, 2021 and Order entered and noticed on April 6, 2021 by newly assigned Honorable Nadine Cutter.

Appellant's motion to modify custody was brought more than three years after the court's previous modification of custody. Appellant submitted substantial prima facie evidence warranting a change of custody based upon change in circumstances and new evidence directly affecting welfare of minor child and his best interest.

Part of newly discovered evidence was a Dr. Chambers' child interview report and audio recording of that interview that was only provided to Dr. Holland and Respondent during previous proceedings¹.

Dr. Chambers' report and audio recorded statements of minor child

¹ Appellant's counsel at the time, Radford Smith, actively withheld Dr. Chambers report and audio tape from the court and Appellant in direct violation of Court's order form August 2015

were not submitted to the court as evidence when it decided to modify custody on March 1, 2016. While Dr. Chambers was fully paid \$3,700 for his services both for his report and his appearance at the court. Dr. Chambers' report did not come available to Appellant until October 2016, eight months after court modified custody. Appellant discovered that Dr. Chambers report and audio recordings of the child's statements contradicted Dr. Holland' report and her testimony about unrecorded child interview that was used as only source of evidence to modify custody by Honorable Linda Marquis.

Based on such discovery Appellant asked the lower court to conduct a NEW forensic child interview and was willing to fully pay for it 100%. Appellant argued that new child interview is necessary for two reasons to see that minor child was never alienated from his father and to investigate the anxiety that child is experiencing due to his dad Sean Abid's actions. Lower court initially denied forensic child interview during November 20, 2019 hearing and later on February 13, 2020 hearing granted only FMC Child Interview to be conducted with presence of the court.

The FMC child interview supports Appellant's concerns. Minor

child was never alienated from his dad, clearly loves both families and wants to have equal time with both parents and extended families. The lower court denied Appellant's access to FMC child interview report and closed the case on March 25, 2020. Only after this court dismissed case no.80933 lower court finally granted Appellant's right to review FMC child interview report on October 2, 2020 or almost seven months later after it was conducted. Court failed to make any findings from FMC Child Interview and its reason of denial to change of custody based on wishes of the child.

During the hearing on February 26, 2021 the new appointed Honorable Nadine Cutter declined to acknowledge or to make any findings from FMC Child Interview and reasons why it denied child's wishes. Instead court stated that 12 years old child is too young to express opinions or wishes and that court only will consider the interview with 14 years old minor in two years there by making the child interview an empty exercise.

To refresh this court memory. This Court is already well aware of this case when in its Advanced Opinion *Abid v. Abid*, 406 P.3d 476 (Nev. 2017) affirmed previously change of Joint Physical Custody to Primary

with Respondent based on **Child interview with six (6) years old minor child** that was conducted by Dr. Holland. The age of six years old minor for purpose of child interview was not an issue for this court. The child interview was NOT AUDIO OR VIDEO recorded as result this court relied on double hearsay of Dr. Holland. Court also allowed for purpose of child interview Dr. Holland to be supplied by Respondent Sean Abid with illegally obtained tapes. Respondent placed hidden recording device into minor's child backpack and sent him with it to mom's home on numerous occasions. While this court in its advanced opinion declined to rule on legality of Dad's actions, on February 5, 2020 Nevada District Court found actions of Respondent Sean Abid illegal and entered judgement against him in amount of \$10,000 *Pyankovska v. Abid*, No. 2:16-CV-2942 JCM (BNW), at *6 (D. Nev. Feb. 5, 2020). This court also didn't have issue with the fact that provided to Dr. Holland tapes and its transcripts were edited while all original tape were destroyed.

New FMC child interview and Dr. Chambers audio recorded statements of minor child **are the only credible evidence** as to minor child ever being alienated from his father. Such evidence is also an ongoing concern that Nevada does not impose any safeguards on court

appointed experts for purpose of any interactions with a minor kids. Regardless who conducts a child interview the standard of *Gordon v. Geiger*, 402 P.3d 671, 674 (Nev. 2017) as to protection of Due Process must apply and this court has sua *sponte* authority to vacate orders that relied on child interview that were not audio or video recorded and that were supplied with materials in direct violations as to FMC child interview policies² and Federal Statutes.

The issue of minor child ever was alienated is an ongoing concern. For this reason, Lyudmyla respectfully requests this Court to issue an order directing the Clerk of the Clark County District Court, Family Division, to transmit a copy of the FMC Child Interview Report provided to the District Court on or about February 27, 2020, to this Court where it will be held in a confidential manner and be made a part of the appendices in this appeal.

DATED this 21 day of April, 2021

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² <https://www.willicklawgroup.com/wp-content/uploads/2012/04/In-depth-explanation-of-the-Family-Mediation-Center.pdf>

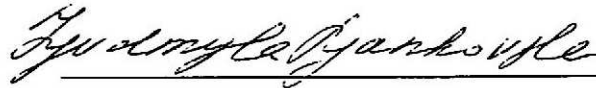
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Appellant appearing in Proper Person

DECLARATION OF LYUDMYLA PYANKOVSKA

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

Executed on 21. April, 2021



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Appellant appearing in Proper Person

CERTIFICATE OF SERVICE

I certify that on the 21 day of April, 2021, I served a copy of this MOTION FOR TRANSMITTAL OF FMC CHILD INTERVIEW REPORT FROM FEBRUARY 13, 2020 upon all counsel of record by mailing it by first class mail with sufficient postage prepaid to the following address:

Black & LoBello

John D Jones

9900 Covington Cross, Suite 210A

Las Vegas , Nevada 89144

Attorney for Respondent

A handwritten signature in cursive script, appearing to read "Hyndley Jones et al", is written over a horizontal line.

Appellant in proper person