

FILED

MAY 28 2021

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

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

Appellant,

vs.

SEAN R. ABID,

Respondent.

S.C. Appeal No.: 82781

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

According to EDCR Rule 5.304. Child interview, outsource

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DEPUTY CLERK

21-15371

evaluation, and court appointed special advocate (CASA) reports a child interview report such as the one prepared by Family Mediation Center for the district court from child interview conducted on February 13, 2020, “shall be delivered to the judge in chambers. Only the parties, their attorneys, and such staff and experts as those attorneys deem necessary are entitled to read or have copies of the written reports, which are confidential except as provided by rule, statute, or court order.”

Additionally, “no copy of a written report, or any part thereof, may be made an exhibit to, or a part of, the open court file except by court order. A written report may be received as evidence of the facts contained therein that are within the personal knowledge of the person who prepared the report. EDCR 5.304 (b).

In as much as Appellant’s arguments fully supported by Family Mediation Center child interview report and it is highly relevant to the issue on appeal. Given the strict local requirements regarding the copying and dissemination of confidential reports involving children, however Lyudmyla requires the court’s permission in order to make FMC’s child interview report a part of the appendices in this appeal. 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 FMC's child interview report to this Court where it will be held in a confidential manner and be made a part of the appendices in this appeal.

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 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.

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

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. **(See Exhibit 1)**

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 24 day of May, 2021

A handwritten signature in cursive script, appearing to read 'Lyudmyla Abid', is written over a horizontal line.

LYUDMYLA A. ABID, n/k/a
LYUDMYLA A. PYNKOVSKA
2167 Montana Pine Drive
Henderson, NV 89052

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

Email: lyuda2167@gmail.com

Appellant appearing in Proper Person

DECLARATION OF LYUDMYLA PYANKOVSKA

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

Executed on May 24th 2021

Lyudmyla Pyankovska

LYUDMYLA A. ABID, n/k/a

LYUDMYLA A. PYNKOVSKA

2167 Montana Pine Drive

Henderson, NV 89052

Email: lyuda2167@gmail.com

Appellant appearing in Proper Person

CERTIFICATE OF SERVICE

I certify that on the 24 day of May, 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


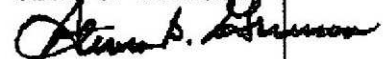

Appellant in proper person

EXHIBIT 1





1 NEOJ

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4 **DISTRICT COURT**
CLARK COUNTY, NEVADA

5 ***

6 In the Matter of the Joint Petition for
7 Divorce of:
8 Sean R Abid and
9 Lyudmyla A Abid

Case No.: D-10-424830-Z
Department S

10 **NOTICE OF ENTRY OF ORDER**

11 Please take notice that the Order form Family Mediation Center Services from
12 the 13th day of February, 2020 was entered in the foregoing action and the
13 following is a true and correct copy thereof.

14 Dated: This 13th day of February, 2020.

15
16 /s/ Deniece Lopez

17 Judicial Executive Assistant
18 Department S

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on or about the above file stamp date, a copy of the
21 foregoing Notice of Entry of Order was:

22 ☐ E-served pursuant to NEFCR 9 or placed in the folder of counsel maintained in
23 the Office of the Clerk of Court.

24 John D. Jones
25 Lyudmyla A Abid

26 ☐ E-served pursuant to NEFCR 9, or mailed, via first-class mail, postage fully
27 prepaid, to:

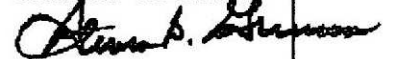
28 John D. Jones
10777 W Twain AVE STE 300
Las Vegas, NV 89135

VINCENT OCHOA,
DISTRICT JUDGE
FAMILY DIVISION, DEPT S
LAS VEGAS, NV 89101

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Lyudmyla A Abid
2167 Montana Pine DR
Henderson, NV 89052

/S/ Deniece Lopez
Judicial Executive Assistant
Department S



DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

SEAN ABID,) Case No.: D-10-424830-Z
PLAINTIFF,) Dept No.: S
v.)
LYUDMYLA ABID,)
DEFENDANT)

ORDER FOR FAMILY MEDIATION CENTER SERVICES

Pursuant to NRS 3.475 and 125.480:

IT IS HEREBY ORDERED THAT regarding the child at issues, the Family Mediation Center (FMC) shall provide a Child Interview for Aleksandr Abid. The Interview shall include the Standard FMC Child Interview Questions and the following additional questions and topics:

1. Does the child have anything that he would like to specifically tell the Judge? (Judge would like for you to relate to the child that he is a new judge on the case and would like to hear child's perspective. The reason why the child is here because the Judge wants to hear how he feels.)
2. Is there anything the child would like to be changed about one parent or the other parent? (Judge would like to refrain from using Mom or Dad.)
3. What does the child know about why he is at interview? Who told him?
4. How does the child feel about guitar and basketball? Does the child want to participate in these activities?

1 5. Is there anything that the child can help the Judge with?

2 6. Is that anything that the Judge can help the child with?

3 7. What are the three main things that the Judge should know about the child's life with his
4 parents?

5 8. What is the main thing that the Judge should know about the child?

6 **IT IS FURTHER ORDERED THAT** the cost of mediation shall be assessed using a
7 sliding scaled based on each party's individual financial status.
8

9 **IT IS FURTHER ORDERED THAT** the parties must report to FMC at 601 N. Pecos
10 Road, Las Vegas, Nevada 89101 on February 13, 2020, at 3:00 PM.
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14 **IT IS SO ORDERED this 13th day of February, 2020**

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17 **Honorable VINCENT OCHOA**
18 **District Court Judge, Department S**
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OFFM

Set interview
for 2-19-20 OR
2-20-20

FILED IN OPEN COURT

2-13, 20 20
Steven D. Grierson, Clerk of the Court

By: [Signature]
Deputy
WETTE CLAYTON

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Abid, Sean R

Plaintiff,

Case No. D-10-4248302

Department S

vs.

Abid, Lyndmyla

Defendant.

ORDER FOR FAMILY MEDIATION
CENTER SERVICES

Pursuant to Nevada Revised Statutes 3.475 and 125.480 IT IS HEREBY ORDERED by the Court that, regarding the child(ren) at issue, the Family Mediation Center (FMC) shall provide:

☐ Mediation.

☐ Include Safety Protocol

☒ Child Interview. Name(s): Aleksander Anton Abid

☐ Standard FMC Child Interview Questions

Additional questions/topics:

Judge to be present in another Room during interview

☐ Non-therapeutic Parent/Child Observation. No. of observation sessions: 1 ☐ 2 ☐

Parent and Child Name(s): _____

IT IS FURTHER ORDERED that, if an interpreter is needed, it is the party's responsibility to pay the interpreter at the time services are rendered. The language needed is: ☐ Spanish ☐ Other: _____

☐ Good cause appearing, court interpreter fees waived by the Court.

IT IS FURTHER ORDERED that the cost of mediation will be assessed using a sliding scale based on each party's individual financial status.

IT IS FURTHER ORDERED that the parties must report to FMC at 601 N. Pecos Road, Las Vegas, NV 89101.

IT IS FURTHER ORDERED that, if the UNLV Mediation Clinic is in session, a referral is ☐ authorized ☐ not authorized.

DATED this 13 day of Feb, 20 20

YOUR RETURN COURT DATE IS:

Date: _____ Time: _____

[Signature]
District Judge

Bar No. of Plaintiff's Attorney: J. Jones

Bar No. of Defendant's Attorney: M. Balaban

VINCENT OCHOA