

Electronically Filed
Jun 16 2021 01:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

BRIAN LEE WHITTLE
717 Count Ave.
N. Las Vegas, NV 89031
(725) 400-8328
Plaintiff in Proper Person

DISTRICT COURT
CLARK COUNTY, NEVADA

BRIAN LEE WHITTLE,
Plaintiff,

Case No. D-19-591074-C
Dept No. I

RAVEN MORRIS,
Defendant.

**AMENDED NOTICE OF
APPEAL**

COMES NOW, BRIAN LEE WHITTLE, in Proper Person and gives notice
that Plaintiff intends to file an Appeal in the above case, D-16-544626-S.

BRIAN LEE WHITTLE requests waiver of appeal bond in this matter, and
authorization to proceed in Proper Person.

This notice pertains to the DECISION AND ORDER, filed 3/1/21; and
Notice of Entry of Order filed 3/2/21 to address custody issues in this matter.

Dated this 7th day of May, 2021.

/s/ BRIAN LEE WHITTLE

BRIAN LEE WHITTLE
Plaintiff In Proper Person

CASE SUMMARY**CASE NO. D-19-591074-C**

Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

§
 §
 §
 §

Location: **Department I**
 Judicial Officer: **Bailey, Sunny**
 Filed on: **06/12/2019**

CASE INFORMATION**Related Cases**

R-13-179253-R (1J1F Related - Rule 5.103)

Case Type: **Child Custody Complaint****Statistical Closures**

03/01/2021 Disposed After Trial Start (Bench Trial)

Case Status: **03/01/2021 Closed**

Case Flags: **Order After Hearing Required**
Appealed to Supreme Court
In Forma Pauperis Granted
Raven Morris on 08/27/19






DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number D-19-591074-C
 Court Department I
 Date Assigned 01/04/2021
 Judicial Officer Bailey, Sunny

PARTY INFORMATION

		<i>Attorneys</i>
Plaintiff	Whittle, Brian Lee 717 Count AVE North Las Vegas, NV 89030	Pro Se 725-400-8328(H)
Defendant	Morris, Raven 4980 E Owens AVE APT 1E Las Vegas, NV 89110	Pro Se 702-336-8971(H)
Subject Minor	Morris, Aeyani	

















DATE**EVENTS & ORDERS OF THE COURT****EVENTS**

06/12/2019	 Complaint for Custody Filed by: Counter Defendant Whittle, Brian Lee <i>Complaint for Custody</i>
06/12/2019	 Summons Issued Only Filed by: Counter Defendant Whittle, Brian Lee <i>Summons Issued Only</i>
08/22/2019	 Affidavit of Service Filed By: Counter Defendant Whittle, Brian Lee <i>Affidavit of Service</i>
08/22/2019	 Application to Proceed in Forma Pauperis Filed By: Counter Claimant Morris, Raven <i>Application to Proceed in Forma Pauperis</i>
08/22/2019	 Answer and Counterclaim - Child Custody Filed by: Counter Claimant Morris, Raven For: Counter Defendant Whittle, Brian Lee

CASE SUMMARY

CASE NO. D-19-591074-C

Answer and Counterclaim - Child Custody

08/22/2019	 Financial Disclosure Form Filed by: Counter Claimant Morris, Raven <i>Financial Disclosure Form</i>
08/22/2019	 Certificate of Service Filed by: Counter Claimant Morris, Raven <i>Certificate of Service</i>
08/23/2019	 Order for Family Mediation Center Services <i>Order for Family Mediation Center Services</i>
08/23/2019	 NRCP 16.2 Case Management Conference <i>NRCP 16.2 Case Management Conference Notice</i>
08/28/2019	 Order to Proceed In Forma Pauperis Filed By: Counter Claimant Morris, Raven <i>Order to Proceed In Forma Pauperis</i>
09/25/2019	 Notice of Change of Address Filed By: Counter Claimant Morris, Raven <i>Notice of Change of Address</i>
09/26/2019	 Motion Filed By: Counter Defendant Whittle, Brian Lee <i>Plaintiff's Motion and Notice of Motion for Orders for Temporary Custody, Visitation, and/or Child Support</i>
09/26/2019	 Financial Disclosure Form Filed by: Counter Defendant Whittle, Brian Lee <i>Financial Disclosure Form</i>
09/26/2019	 Certificate of Service Filed by: Counter Defendant Whittle, Brian Lee <i>Certificate of Service</i>
10/03/2019	 Certificate of Mailing Filed By: Counter Defendant Whittle, Brian Lee <i>Certificate of Mailing</i>
10/10/2019	 Case Management Order <i>Case and Trial Management Order</i>
10/16/2019	 Order Filed By: Counter Defendant Whittle, Brian Lee <i>Ordder from 10/03/2019 Hearing</i>
10/16/2019	 Order Establishing Paternity Filed by: Counter Defendant Whittle, Brian Lee For: Counter Claimant Morris, Raven <i>Paternity Order</i>
10/16/2019	 Notice of Entry of Order/Judgment Filed by: Counter Defendant Whittle, Brian Lee <i>Notice of Entry of Order/Judgment</i>
10/17/2019	 Certificate of Mailing Filed By: Counter Defendant Whittle, Brian Lee <i>Certificate of Mailing</i>
10/22/2019	 Notice of Change of Address Filed By: Counter Claimant Morris, Raven <i>Notice of Change of Address</i>
01/17/2020	 Opposition

CASE SUMMARY

CASE NO. D-19-591074-C

	Filed By: Counter Claimant Morris, Raven <i>Defemdant's Opposition and Countermotion</i>
01/17/2020	 Motion Filed By: Counter Claimant Morris, Raven <i>Defendant's Motion to Set Aside Order for Custody; Attorney's Fees for Related Relief</i>
01/17/2020	 Notice of Hearing <i>Notice of hearing</i>
01/21/2020	 Certificate of Service Filed by: Counter Claimant Morris, Raven <i>Certificate of Service</i>
01/30/2020	 Financial Disclosure Form Filed by: Counter Claimant Morris, Raven <i>General Financial Disclosure Form</i>
02/11/2020	 Motion Filed By: Counter Claimant Morris, Raven <i>Notice and Motion for Continuance</i>
02/11/2020	 Witness List Filed by: Counter Claimant Morris, Raven <i>Defendant's List of Witnesses</i>
02/12/2020	 Notice of Hearing <i>Notice of Hearing</i>
02/13/2020	 Certificate of Service Filed by: Counter Claimant Morris, Raven <i>Certificate of Service</i>
02/14/2020	 Ex Parte Filed By: Counter Claimant Morris, Raven <i>Ex Parte Motion to Shorten Time</i>
02/24/2020	 Case Management Order <i>Case and Trial Management Order</i>
04/09/2020	 Notice of Appearance Party: Counter Defendant Whittle, Brian Lee <i>Notice of Appearance</i>
05/12/2020	 Certificate of Service Filed by: Counter Claimant Morris, Raven <i>Certificvate of Service</i>
05/14/2020	 Notice of Rescheduling of Hearing <i>Notice of Rescheduling of Hearing</i>
05/29/2020	 Stipulation and Order Filed By: Counter Claimant Morris, Raven <i>Stipulation and Order to Continue Evidentiary Hearing Scheduled for June 8, 2020</i>
06/01/2020	 Notice of Entry of Stipulation and Order Filed by: Counter Claimant Morris, Raven <i>Notice of Entry of Stipulation and Order</i>
06/15/2020	 Certificate of Service Filed by: Counter Claimant Morris, Raven <i>Certificate of Service</i>
06/29/2020	 Certificate of Service Filed by: Counter Claimant Morris, Raven









CASE SUMMARY

CASE NO. D-19-591074-C


	<i>Certificate of Service</i>
07/06/2020	Administrative Reassignment to Department I <i>Civil Domestic Case Reassignment from Judge David Gibson Jr. Department L</i>
07/21/2020	 Order Setting Evidentiary Hearing <i>Order Setting Evidentiary Hearing</i>
01/04/2021	Administrative Reassignment - Judicial Officer Change <i>Judicial Reassignment to Judge Sunny Bailey</i>
01/12/2021	 Motion to Withdraw As Counsel Filed By: Counter Defendant Whittle, Brian Lee <i>Plaintiff's Attorney's Motion to Withdraw as Counsel of Record</i>
01/14/2021	 Notice of Hearing Filed By: Counter Defendant Whittle, Brian Lee <i>Notice of Hearing</i>
01/14/2021	 Ex Parte Motion Filed by: Counter Defendant Whittle, Brian Lee <i>Ex Parte Motion for an Order to Shorten Time</i>
01/14/2021	 Certificate of Service Filed by: Counter Defendant Whittle, Brian Lee <i>Certificate of Service</i>
01/15/2021	 Order Shortening Time <i>Order Shortening Time</i>
01/19/2021	 Notice of Entry of Order <i>Notice of Entry of Order</i>
02/01/2021	 Financial Disclosure Form <i>Financial Disclosure Form</i>
02/04/2021	 Order to Withdraw as Attorney of Record <i>Order for Withdrawal of Counsel of Record</i>
02/04/2021	 Notice of Entry of Order Filed By: Counter Defendant Whittle, Brian Lee <i>Notice of Entry of Order</i>
02/08/2021	 Notice of Rescheduling of Hearing <i>NORH WHITTLE D591074</i>
02/10/2021	 Financial Disclosure Form <i>General Financial Disclosure Form</i>
02/12/2021	 Pre-trial Memorandum <i>Defendant's Pre Trial Memorandum</i>
02/16/2021	 Notice of Rescheduling of Hearing <i>NORH WHITTLE D591074</i>
02/17/2021	 Certificate of Service Filed by: Counter Claimant Morris, Raven <i>Certificate of Service</i>
02/23/2021	 Order <i>2021-02-18_Ordr</i>
03/01/2021	 Decision and Order <i>Decision and Order</i>
03/02/2021	 Notice of Entry of Order

CASE SUMMARY

CASE NO. D-19-591074-C

	Filed By: Counter Claimant Morris, Raven <i>Notice of Entry of Decision and Order</i>
03/02/2021	 Notice of Withdrawal Filed by: Counter Claimant Morris, Raven <i>Notice of Withdrawal of Attorney for Defendant</i>
03/17/2021	 Supplemental Exhibits Filed By: Counter Defendant Whittle, Brian Lee <i>Supplemental Exhibits</i>
03/17/2021	 Notice of Appeal Filed By: Counter Defendant Whittle, Brian Lee <i>Notice of Appeal</i>
03/17/2021	 Request Filed By: Counter Defendant Whittle, Brian Lee <i>REQUEST FOR AUTHORIZATION TO PROCEED IN PROPER PERSON; WAIVER OF APPEAL BOND; AND TO TRASMIT ENTIRE RECORD ON FILE.</i>
03/17/2021	 Certificate of Mailing Filed By: Counter Defendant Whittle, Brian Lee <i>Certificate of Mailing</i>
03/18/2021	 Case Appeal Statement
03/19/2021	 Memorandum Filed By: Counter Claimant Morris, Raven <i>Defendant's Memorandum of Attorney's Fees and Costs</i>
03/30/2021	 Notice of Withdrawal Filed by: Counter Claimant Morris, Raven <i>Amended Notice of Withdrawal for Defendant</i>
05/10/2021	 Amended Notice of Appeal Party: Counter Defendant Whittle, Brian Lee <i>AMENDED NOTICE OF APPEAL</i>

HEARINGS

10/03/2019	Case Management Conference (11:00 AM) (Judicial Officer: Gibson, David, Jr.) Evidentiary Hearing; <i>Evidentiary Hearing</i>
10/03/2019	Return Hearing (11:00 AM) (Judicial Officer: Gibson, David, Jr.) <i>return from FMC</i> Matter Heard; <i>Matter Heard</i>
10/03/2019	Motion (11:00 AM) (Judicial Officer: Gibson, David, Jr.) <i>Plaintiff's Motion and Notice of Motion for Orders for Temporary Custody, Visitation, and/or Child Support</i> 11/06/2019 Reset by Court to 10/03/2019 Granted; <i>Granted</i>
10/03/2019	 All Pending Motions (11:00 AM) (Judicial Officer: Gibson, David, Jr.)

MINUTES

Matter Heard;
Journal Entry Details:

RETURN HEARING FROM FAMILY MEDIATION CENTER... CASE MANAGEMENT CONFERENCE... PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR ORDERS FOR TEMPORARY CUSTODY, VISITATION, AND/OR CHILD SUPPORT Court noted Plaintiff (Dad) filed a motion that is currently set for 11/6/19, service was properly effectuate on Defendant (Mom) and Mom had adequate notice of today's hearing. Court further noted Mom failed to appear and participate in today's hearing. Court further noted Dad is requesting joint legal and joint physical custody, the parties did not reach an agreement at mediation, Mom has not filed an opposition to Dad's motion and Mom's pleadings admit that Dad is the father of the minor child.

CASE SUMMARY**CASE NO. D-19-591074-C**

COURT ORDERED as follows: Matter is set for an EVIDENTIARY HEARING on 3/5/20 at 1:30 PM (half day; stack 1). A CALENDAR CALL is set for 2/18/20 at 11:00 AM. Court will issue a scheduling order. Dad's Motion and Notice of Motion for Orders for Temporary Custody, Visitation, and/or Child Support set for 11/6/19 at 10:00 AM is RESET to be heard in conjunction with today's matters. Further, Dad's Motion is GRANTED. The parties shall have TEMPORARY JOINT LEGAL CUSTODY and JOINT PHYSICAL CUSTODY of the minor children as outlined in his motion. Dad name shall be added to the minor child's birth certificate. Dad shall prepare the Order granting his Motion and he shall prepare an Order adding himself to the minor child's birth certificate.;

Matter Heard

02/18/2020



Calendar Call (11:00 AM) (Judicial Officer: Bailey, Sunny)

02/18/2020, 05/29/2020, 01/27/2021

05/28/2020 *Reset by Court to 05/29/2020*

07/23/2020 *Reset by Court to 01/20/2021*

01/20/2021 *Reset by Court to 01/27/2021*

Matter Continued;

Matter Continued;

Matter Heard;

MINUTES

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

Defendant and Attorney Kenneth Robbins present via VIDEO CONFERENCE through the Blue Jeans application. Court attempted to contact Plaintiff's attorney via telephone; however, there was no answer. Mr. Robbins advised Plaintiff retained counsel on 4/9/20 and requested the matter be continued as the parties are still conducting discovery. Mr. Robbins represented a Stipulation and Order to Continue was submitted to the Department. Matter TRAILED. Matter RECALLED. Matter TRAILED. Matter RECALLED. Matter TRAILED. Matter RECALLED. COURT ORDERED, matter is CONTINUED to 7/23/20 at 11:00 AM and the Evidentiary Hearing set for 6/8/20 at 9:00 AM shall be RESET to 8/7/20 at 9:00 AM. Parties may physically appear for the Evidentiary Hearing so long as proper social distancing can be accommodated. Mr. Robbins shall prepare the Order from today's hearing. CLERK'S NOTE: Following the hearing, the Law Clerk notified Plaintiff's counsel of the new hearing dates. (ag);

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued

02/18/2020

Motion (11:00 AM) (Judicial Officer: Gibson, David, Jr.)

Defendant's Motion to Set Aside Order for Custody; Attorney's Fees and Related Relief

02/25/2020 *Reset by Court to 02/18/2020*

Matter Heard;

Matter Heard

02/18/2020

Opposition & Countermotion (11:00 AM) (Judicial Officer: Gibson, David, Jr.)

Defendant's Opposition and Countermotion

02/25/2020 *Reset by Court to 02/18/2020*

Moot;

Moot

02/18/2020

Motion (11:00 AM) (Judicial Officer: Gibson, David, Jr.)

Def't's Notice and Motion for Continuance

03/19/2020 *Reset by Court to 02/18/2020*

Granted;

Granted

02/18/2020



All Pending Motions (11:00 AM) (Judicial Officer: Gibson, David, Jr.)

MINUTES

Matter Heard;

Journal Entry Details:

CALENDAR CALL... DEFENDANT'S MOTION TO SET ASIDE ORDER FOR CUSTODY; ATTORNEY'S FEES AND RELATED RELIEF... DEFENDANT'S OPPOSITION AND COUNTERMOTION... DEFENDANT'S NOTICE AND MOTION FOR CONTINUANCE Court noted this matter is currently set for an Evidentiary

CASE SUMMARY**CASE NO. D-19-591074-C**

Hearing on 3/5/20 at 1:30 PM (half day; stack 1), Defendant (Mom) filed a Motion for a Continuance that is currently set for 3/19/20 at 9:00 AM and a Motion to Set Aside Custody set for 2/25/20 at 9:00 AM. Court informed the parties it will address the pending motions today. Court noted the temporary orders give the parties joint legal and joint physical custody giving Plaintiff (Dad) custody Sunday to Wednesday and Mom having Wednesday to Sunday. Court stated it will allow Mom an opportunity to file an opposition; however, it is likely to address it at the trial. Mr. Robbins advised an opposition has already been filed. COURT ORDERED as follows: Mom's Motions shall be RESET and heard in conjunction with today's hearing. Mom's Opposition and Countermotion is MOOT and shall be addressed at trial. Further, Mom's Motion for a Continuance is GRANTED. Today's CALENDAR CALL shall be CONTINUED to 5/28/20 at 11:00 AM and the EVIDENTIARY HEARING set for 3/5/20 at 1:30 PM (half day; stack 1) shall be CONTINUED to 6/8/20 at 9:00 AM (half day; stack 2). Discovery is RE-OPENED. Court will issue a new scheduling order. As Dad does not have an Attorney, Court encouraged him to seek assistance through the Self Help Center. Parties shall maintain the STATUS QUO wherein they have TEMPORARY JOINT LEGAL CUSTODY and TEMPORARY JOINT PHYSICAL CUSTODY of the minor child. Mr. Robbins shall prepare the Order from today's hearing.;

Matter Heard

01/27/2021

Motion (11:30 AM) (Judicial Officer: Bailey, Sunny)

Plaintiff's Attorney's Motion to Withdraw as Counsel of Record

03/10/2021 Reset by Court to 01/27/2021

Granted;

Granted

01/27/2021

**All Pending Motions** (11:30 AM) (Judicial Officer: Bailey, Sunny)**MINUTES**

Matter Heard;

Journal Entry Details:

PLTF'S ATTY'S MOTION TO WITHDRAW AS COUNSEL OF RECORD...CALENDAR CALL The Court, counsel and parties appeared via BLUEJEANS. Attorney Robbins stated there are no objections, to Attorney Roberts withdrawing, as long as there are no continuances. Court reviewed the history, of the case and pleadings on file. Defendant stated the parties have been following the timeshare. COURT ORDERED: 1. Attorney Robert's MOTION shall be GRANTED. 2. Plaintiff and Attorney Robbins shall MEET and CONFER. 3. The EVIDENTIARY HEARING, currently SET, for 2/17/21, STANDS (half day). 4. The PRE TRIAL MEMORANDUM and EXHIBIT LISTS shall be DUE, by 2/10/21, by 5:00pm. 5. EXHIBITS shall be UPLOADED, to the FCEVIDENCE LINK, by 2/10/21. 6. WITNESS LIST shall be DISCLOSED and FILED, by 2/10/21. 7. ALL ORDERS STAND. 8. Parties shall FILE current FINANCIAL DISCLOSURE FORMS (FDF's), which INCLUDE their LAST three (3) PAY STUBS, by 2/10/21. Attorney Roberts to prepare an Order to Withdraw ;

Matter Heard

02/18/2021

**Evidentiary Hearing** (9:00 AM) (Judicial Officer: Bailey, Sunny)

re: custody (half day; stack 2)

03/05/2020 Reset by Court to 06/08/2020**06/08/2020 Reset by Court to 08/07/2020****08/07/2020 Reset by Court to 02/17/2021****02/16/2021 Reset by Court to 02/18/2021****02/17/2021 Reset by Court to 02/16/2021**

Power outage damaged electronics in courtroom - Evid Hrg moved to 2-18-21

Matter Heard;

Journal Entry Details:

EVIDENTIARY HEARING; RE: CUSTODY Plaintiff appeared by Bluejeans video IN PROPER PERSON. Kenneth Robbins, Esq., #13572, appeared by Bluejeans video in an unbundled capacity for Defendant. Defendant appeared by Bluejeans video IN PROPER PERSON. Upon the Court's inquiry, counsel and Plaintiff both confirmed that paternity was not an issue. Discussion regarding the child's name being changed. Opening statements by counsel and Defendant. The Court invoked the exclusionary rule. Witnesses and Exhibits per worksheets. COURT ORDERED: Per STIPULATION, the child's name shall be changed to Aeyani Natalia Morris-Whittle. Plaintiff is responsible for filing and changing the name on the child's birth certificate. Per STIPULATION, the parties shall have JOINT LEGAL CUSTODY. Trina shall NOT have any part in exchanges or be allowed to be involved at all in parenting. Parties shall electronically COMMUNICATE through TALKING PARENTS and shall sign up by TODAY. All communication shall be through Talking Parents and Trina shall NOT be involved. Parties shall CONTINUE with the current CUSTODY schedule. The Court directed Mr. Robbins to submit a Brunzell Affidavit and Memorandum of Fees and Costs leaving a blank in the order for the Court to enter an amount. The NON-CUSTODIAL parent shall get one phone call from 7:00 PM to 7:15 PM (at least), unmonitored and private. The Court took the matter UNDER ADVISEMENT and shall issue a written decision forthwith. The Court set the matter on In Chamber's calendar for 03/03/2021. Mr. Robbins shall prepare the Interim Orders from today's hearing. CLERK'S NOTE: Relief was done at 12:43 pm for lunch coverage

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. D-19-591074-C

	<i>(Jamile Vazquez). Minutes prepared by Helen Green and Jamile Vazquez (hg).;</i> <i>Matter Heard</i>
03/03/2021	CANCELED Decision (2:30 AM) (Judicial Officer: Bailey, Sunny) <i>Vacated - per Judge</i>
	<u>SERVICE</u>
06/12/2019	Summons Morris, Raven Served: 08/17/2019

1 **DAO**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 *****

6 BRIAN LEE WHITTLE,

CASE NO.: D-19-591074-C

7 Plaintiff,

DEPT: I

8
9 vs.

DATE OF HEARING: 02/18/2021

10 RAVEN MORRIS,

TIME OF HEARING: 9:00 A.M

11 Defendant.
12

13 **DECISION AND ORDER**

14
15 THIS MATTER came before the Court for Evidentiary Hearing on
16 February 18, 2021. Plaintiff, Brian Lee Whittle (“Brian”), appeared pro per
17 over the *Blue Jeans* video application and Defendant, Raven Morris (“Raven”)
18 appeared represented by Kenneth Robbins, Esq., over the *Blue Jeans* video
19 application. The Court heard the testimony from the parties. The Court after
20 reviewing the pleadings and papers on file herein, and after considering and
21 weighing the credibility of the parties, and good cause appearing issues its
22 *Findings of Fact, Conclusions of Law, and Orders* as set forth herein.
23
24

25 ///

26 ///

27 ///

SUMMARY OF TESTIMONY

1. Brian and Raven have not been married.

2. They have a child in common, Aeyani Morris (“Aeyani”), born on September 16, 2012. She is currently 8 years old.

3. Brian improperly obtained a Court order that changed Aeyani’s name at the same time that he obtained a paternity order signed by the Court in 2019.

4. Brian did not let Raven know that he changed Aeyani’s name. He then took the birth certificate reflecting the new name to the school, because it was important to him that Aeyani have his last name.

5. The parties stipulate to change minor child’s name to Aeyani Natalia Morris-Whittle. Brian is responsible for changing her name on her birth certificate.

6. Brian Whittle has lived in North Las Vegas for the last twenty-five years.

7. He married his wife Katrina (“Trina”) on April 14, 2014. They have been in a relationship for almost twenty (20) years. He has five (5) stepchildren between the ages of 18 – 27 years through Trina. He lives with Trina, his stepdaughter and Aeyani in a four bedroom house.

8. He was in his relationship with Trina when Aeyani was born. Raven was not aware of his relationship with Trina at that time.

1 9. Trina was upset when she was told about Aeyani but she has
2 been supportive of his relationship with Aeyani. He describes their
3 relationship as good at this time.
4

5 10. He loves his daughter and testified that they did everything
6 together from day one until Aeyani finished kindergarten.
7

8 11. Raven's grandmother left town and Raven left as well. He lost
9 contact with Raven and Aeyani.

10 12. Brian contacted Raven's brothers and cousins and left
11 messages for her to call him. He claimed he did not have her phone number.
12 He is not on social media so he could not contact her by that method.
13

14 13. Brian also went to the school but Aeyani was not there. The
15 school refused to give him any information because he did not have legal
16 documents.
17

18 14. He did not file anything with the courts because he figured he
19 needed to find her to serve her with complaint and he could not locate her.
20

21 15. He found her once but she would not let him see Aeyani.
22 Raven did give him Aeyani's phone number. He was able to visit her once at a
23 McDonalds.
24

25 ///

26 ///

27 ///

28 ///

1 16. He found her in 2017 at the end of the school year. He hired
2 someone to serve her papers when she told him that he could not see Aeyani.
3
4 They went to mediation and were supposed to return to court. Raven did not
5 appear because the notice was sent to an address that did not include her
6 apartment number.

7
8 17. He and Raven used to get along well, but now she is against
9 everything he presents to her. He signed up for the communication app, but
10 she did not, although, the only communication between them is about school.

11
12 18. Brian wants Aeyani to get to know his side of the family and
13 would like to be part of making decisions.

14 19. The current schedule is Sunday at 9:00 a.m. – Wednesday at
15 6:00 p.m. Brian believes Aeyani is flourishing on the current schedule. When
16 Aeyani is with his family, they do school work, go outside and ride bikes,
17 movies and church.

18
19
20 20. Brian currently only works Thursdays, Fridays and Saturdays
21 due to distance learning. He wants to be with Aeyani to make sure she gets to
22 her classes. His stepdaughter is attending college virtually so she cannot watch
23 Aeyani during school.

24
25 ///

26
27 ///

28 ///

1 21. Brian is aware the school recommended an IEP for Aeyani.
2 He does not know what IEP stands for but he is trying to get her tested further.
3
4 Brian also provides extra tutoring paid for by his mother. He figured if Aeyani
5 had extra help she would not need an IEP. He was opposed to the IEP but told
6 the Court he would get one if it was required.

7
8 22. Brian did not discuss the tutor with Raven because it was
9 provided at his home. He claimed Aeyani was doing well in school thanks to
10 his assistance, although the school still recommends an IEP.

11
12 23. He is a barber and pays \$200.00 a week for his chair rental.
13 The owner of the barber shop did not reduce the rent based upon his current
14 schedule. He reported a monthly income of \$1,800.00 on his most recent FDF.
15
16 Once Aeyani can attend school in person again, he can go back to the shop
17 more.

18 24. He previously worked as a landscaper until he was injured in
19 2018. He was unable to have surgery due to lack of insurance. He still does
20
21 not have insurance for himself,

22 25. Raven has Aeyani insured under Medicaid. He does not have a
23
24 copy of the card.

25 ///

26 ///

27 ///

28 ///

1 26. There was a previous issue with Aeyani and her glasses she
2 wears while on the computer or reading. Raven purchased the glasses but
3 Aeyani was forgetting to take them back to her house. As a result, Aeyani now
4 has a pair of glasses at each house.
5

6 27. Brian communicates with Raven about once a month. Trina
7 communicates with her approximately once every other month. Either Brian,
8 Trina or the two of them together drops off Aeyani.
9

10 28. Last summer, Trina was arrested for domestic violence. She
11 would not calm down, so Brian called the police. Her children and Aeyani
12 were present during the incident. He had his mother remove Aeyani from the
13 house during the incident.
14

15 29. He obtained a protection order at that time on behalf of the
16 children. However, he let Trina back in the house as soon as she was released
17 from jail. . Brian is not concerned that another incident will occur again
18 because he and Trina discussed it and it was smoothed out. Trina did not
19 participate in any type of DV counseling.
20
21

22 30. Brian testified that Aeyani was with him on Christmas last
23 year. Raven called and asked Aeyani what daddy got her for Christmas. Brian
24 objected to the question and took the phone away from Aeyani and told Raven
25 it was none of her business what Aeyani received for Christmas. When Raven
26 asked Aeyani again what she got for Christmas, he hung up the phone.
27
28

1 31. Brian did not return Aeyani to Raven because he believed
2 Aeyani could stay with him until Sunday due to a previous occasion when he
3 let Aeyani stay with Raven a couple extra days.
4

5 32. Raven lives in a three bedroom, two bathroom house with
6 Aeyoni and her other two children. Shamar (age 13) and Kayoni (age 5). Each
7 child has a different father. She does not have a relationship with Shamar's
8 father because of his drug issues. Her relationship with her former partner,
9 Kayoni's mother Kim, is great.
10

11 33. Raven was laid off from her construction job in October of
12 2020. She was earning \$14.00 an hour at that time. She currently receives
13 foodstamps and Medicaid. Her fiancé works at the school district and assists
14 with her bills although they do not live in the same house.
15
16

17 34. Raven testified that she met Brian while walking to the store
18 when she was 16 years old. She believed he was in his 20s or 30s at the time.
19 She discovered his real age during the course of this action. He is currently 42
20 or 43 years old.
21

22 35. She did not know he was in a relationship until after she had
23 Aeyani. His wife contacted her on Facebook and called her a homewrecker.
24 She describes her relationship with Trina as poor.
25

26 ///

27 ///

1 36. Raven communicates through Trina multiple times each week.
2 Trina told her to go through her and not Brian. She does not communicate
3 with Brian because he talks to her like she is a kid and uses nasty slurs.
4

5 37. Brian had limited involvement with Aeyani for her first four
6 years. He would see Aeyani for a couple hours once a month or every other
7 month.
8

9 38. He became more involved when she started preschool, but then
10 did not see her again until end of the second grade school year.
11

12 39. Raven maintained her same phone number. Brian was aware
13 of her address when she moved because he showed up one day unannounced.
14 He had a mean demeanor and demanded to see Aeyani. Raven told him no
15 because he could not just pop up whenever he wanted.
16

17 40. She did not hear from him again until Brian filed the
18 complaint. Brian then saw Aeyani approximately once a week until the Court
19 expanded it to the current schedule.
20

21 41. Brian is rarely present for exchanges. Trina does most of the
22 exchanges. When Raven asks Brian about it, Brian told her Trina goes because
23 she is his wife.
24

25 ///

26 ///

27 ///

1 42. Raven stated she has communication issues with Brian. She
2 did not have his number until he filed papers. She has to call the house phone
3 or Brian's phone to talk to Aeyani. If she calls Brian's phone he does not
4 answer and the house phone just rings. Brian never called Aeyani when she
5 was in her care.
6

7 43. Brian changed Aeyani's name without her knowledge. She
8 found out about it when she went to the school and was told no information
9 would be provided until they had contacted Brian. The school later contacted
10 her to tell her that Brian was trying to remove her from the contact list.
11

12 44. The school informed her that Aeyani has a learning disability
13 and offered an IEP. She was in favor of the IEP but Brian and Trina refused to
14 sign the papers. Brian believes that they could come together to take care of it
15 instead.
16

17 45. Aeyani's grades have remained about the same. Aeyani has
18 daily assignments she needs to complete. Raven helps her with her homework.
19

20 46. In regards to the glasses, she tried to share the glasses but
21 Brian would not return the glasses at the exchanges. The glasses were at his
22 house for over a month before he returned them.
23

24 47. Raven described an incident over this past Christmas when
25 she called Aeyani. She asked her what Santa brought her for Christmas. Brian
26 told her that it was none of her business and hung up the phone on her.
27
28

48. Raven requests the Court grant her primary custody with Aeyani in her care from Sunday to Friday after school.

49. Kim Hannah (“Kim”) testified that she shares a child, Keyoni, with Raven. She met Raven online. They are no longer in a relationship but they co-parent Keyoni together.

50. Kim witnessed the interactions between Brian and Raven. They did not communicate well. Brian would often talk over Raven and would not allow Raven to get her point across. Neither of them listened to the other.

51. Kim mediated communications between Brian, Raven and Trina. Kim also believes that Trina disliked Raven based upon her actions and words.

CONCLUSIONS

Brian requests joint legal and joint physical custody of Aeyani.

Raven requests joint legal and primary physical custody. The parties have a temporary custodial agreement pending resolution by the Court.

As to joint legal custody, NRS 125C.002 states:

1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:

(a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or

/ / /

1 (b) A parent has demonstrated, or has attempted to demonstrate but
2 has had his or her efforts frustrated by the other parent, an intent to
3 establish a meaningful relationship with the minor child.

4 2. The court may award joint legal custody without awarding joint
5 physical custody.

6 The parties agreed to an award of joint legal custody. However, the
7 Court is extremely concerned about Brian's refusal to obtain the recommended
8 IEP for Aeyani.

9 **THEREFORE, IT IS ORDERED** that both parties shall be awarded
10 joint legal custody of the minor child, Aeyani.

11 **IT IS FURTHER ORDERED** that should Brian and Raven disagree
12 in regards to Aeyani's educational needs, Raven shall have the discretion to
13 make the final determination.

14 The Court must next consider presumptions against joint physical
15 custody pursuant to NRS 125C.003 which states in relevant part:

16 ***Best interests of child: Primary physical custody;***
17 ***presumptions; child born out of wedlock.***

18 *1. A court may award primary physical custody to a parent if*
19 *the court determines that joint physical custody is not in the*
20 *best interest of a child. An award of joint physical custody is*
21 *presumed not to be in the best interest of the child if:*

22 *(a) The court determines by substantial evidence that a parent is*
23 *unable to adequately care for a minor child for at least 146 days*
24 *of the year;*

25 *(b) A child is born out of wedlock and the provisions of*
26 *subsection 2 are applicable; or*

27 / / /

1 (c) *Except as otherwise provided in subsection 6 of NRS*
2 *125C.0035 or NRS 125C.210, there has been a determination by*
3 *the court after an evidentiary hearing and finding by clear and*
4 *convincing evidence that a parent has engaged in one or more*
5 *acts of domestic violence against the child, a parent of the child*
6 *or any other person residing with the child. The presumption*
7 *created by this paragraph is a rebuttable presumption.*

8 2. *A court may award primary physical custody of a child born*
9 *out of wedlock to:*

10 (a) *The mother of the child if:*

11 (1) *The mother has not married the father of the child;*

12 (2) *A judgment or order of a court, or a judgment or order*
13 *entered pursuant to an expedited process, determining the*
14 *paternity of the child has not been entered; and*

15 (3) *The father of the child:*

16 (I) *Is not subject to any presumption of paternity under NRS*
17 *126.051;*

18 (II) *Has never acknowledged paternity pursuant to NRS 126.053;*
19 *or*

20 (III) *Has had actual knowledge of his paternity but has*
21 *abandoned the child.*

22 Prior to filing the present action, Brian had limited contact with
23 Aeyani. He did not care for Aeyani at least 146 days of the year. After he
24 filed the present action, the Court granted temporary Joint Legal and Joint
25 Physical custody on October 3, 2019, when Raven did not appear at the
26 hearing. It is undisputed that her failure to appear was due to Brian not
27 including her apartment number when he mailed her the motion. The Court
28 notes that Brian incorrectly included her apartment number on his certificate of
service.

///

///

1 Since that time, Aeyani has been in Brian's care from Sunday at 9:00
2 a.m. to Wednesday at 6:00 p.m. which constitutes of 146 days in the past year.
3
4 Therefore, Raven has not established primary physical custody for Aeyani.

5 However, joint physical custody is not automatically granted. As
6 further outlined below, the Court does not find that joint physical custody is in
7 Aeyani's best interest. The Court must consider the best interests of the
8 parties' children by considering the factors established under NRS
9 125C.0035(4):
10

11
12 *4. In determining the best interest of the child, the court shall*
13 *consider and set forth its specific findings concerning, among*
14 *other things:*

15 *(a) The wishes of the child if the child is of sufficient age and*
16 *capacity to form an intelligent preference as to his or her*
17 *physical custody.*

18 At 8 years of age, Aeyani is not of sufficient age and capacity to form
19 an intelligent preference as to her physical custody.

20 *(b) Any nomination of a guardian for the child by a parent.*

21 Nomination of guardianship is not relevant in these proceedings
22 between two parents and not involving a third party.
23

24 ///

25 ///

26 ///

27 ///

1 (c) Which parent is more likely to allow the child to have
2 frequent associations and a continuing relationship with the
3 noncustodial parent.

4 This factor is in Raven's favor. Raven testified that she is unable to
5 contact Aeyani when she is in Brian's care. She has to call the house phone,
6 which usually just rings, or Brian's phone, which he usually does not answer.
7 Additionally, on Christmas, when Raven asked Aeyani what she received for
8 Christmas, Brian told Raven it was none of her business and hung up on her.
9

10
11 (d) The level of conflict between the parents.

12 The Court finds in favor of Raven. Kim testified that neither Brian nor
13 Raven listen to each other. The Court questions Brian's ability to co-parent.
14 Additionally, the Court does not find Brian credible in regards to his
15 involvement with Aeyani.
16

17
18 First, the Court questions Brian's initial Motion and Notice of Motion
19 for Temporary Custody filed on September 26, 2019. His Certificate of
20 Service details service on Raven at her address and lists her apartment number.
21 The Certificate of Mailing, however, left off her apartment number. When
22 Raven failed to appear at the hearing, or file an opposition to the unserved
23 motion, Brian obtained temporary joint legal, joint physical custody and
24 adding his name to the birth certificate. Brian was instructed to prepare the
25 Order, which was signed by the Court (prior to reassignment to this
26
27
28

1 department). Brian then filed a separate order to change Aeyani's name with
2 no notice to Raven and no motion to do so. Due to an oversight, the Order was
3 signed. He never filed the Notice of Entry of Order for the name change,
4 although he filed the Notice of Entry of Order from the October 3, 2019
5 hearing.
6

7 Brian then took the Order for the name change, of which it is
8 undisputed that Raven did not have notice of at this time, and changed
9 Aeyani's name at the school because it was now important to him that she had
10 his name. The Court is extremely concerned at the deceptive actions of Brian
11 over both the motion and subsequent orders.
12

13 The credible evidence presented to the Court demonstrates that Brian
14 has passed over the majority of communications with Raven to his wife, Trina.
15 Raven and Kim both testified as to the animosity of Trina towards Raven.
16 Raven's first interaction with Trina was when she contacted her to call her a
17 homewrecker after Aeyani was born. Trina is present for exchanges and even
18 told Raven that all communications were to go through her. This unnecessarily
19 creates additional conflict.
20

21
22
23
24 *(f) The mental and physical health of the parents.*

25 The Court did not receive any credible evidence that suggests either
26 party presently suffers any physical or mental health issues that prevent them
27 from being able to parent the children.
28

1 (g) *The physical, developmental and emotional needs of the*
2 *child.*

3 The Court finds this factor to be in favor of Raven. The Court is
4
5 extremely concerned that Brian refused the recommendation of the school
6 district for an IEP. He did not research the issue as evidenced by the fact that
7 he was unsure what an IEP was or the purpose of an IEP. Raven testified that
8 he and Trina decided that Aeyani should not have an IEP. This is not in the
9 best interest of Aeyani's developmental needs.
10

11 (h) *The nature of the relationship of the child with each parent.*
12

13 The Court is persuaded from the evidence as a whole that both
14 parents testified that they had a good relationship with Aeyani. This factor
15 favors both parents.
16

17 (i) *The ability of the child to maintain a relationship with any*
18 *sibling.*

19 The Court finds this factor is neutral but leans slightly towards Raven.
20
21 She describes a good relationship between Aeyani and her other siblings.
22 Brian has five stepchildren but he did not testify as to Aeyani's relationship
23 with any of them.
24

25 (j) *Any history of parental abuse or neglect of the child or a*
26 *sibling of the child.*

27 The Court received competent evidence that Brian's refusal to approve
28 an IEP for Aeyani could be considered educational neglect.

1 (k) Whether either parent or any other person seeking physical
2 custody has engaged in an act of domestic violence against the
3 child, a parent of the child or any other person residing with the
4 child.

5 There was no credible evidence in regards to this factor. However, the
6 Court is extremely concerned that after Trina was arrested on a domestic
7 violence related charge, Brian obtained a Temporary Protection Order. Aeyani
8 was present during the incident, and Brian had to call his mother to remove her
9 from the situation. Brian found it necessary to obtain the temporary protection
10 order, yet allowed Trina back into the same house, with the children, when she
11 was released from custody after the incident.
12

14 (l) Whether either parent or any other person seeking physical
15 custody has committed any act of abduction against the child or
16 any other child.

17 The Court did not find Brian credible when he testified that Raven left
18 with Aeyani and he was unable to locate them. Brian claimed he did not have
19 a social media account to try and locate her. Yet, his wife was able to contact
20 her via Facebook to call her a homewrecker. The undisputed evidence
21 presented to the Court demonstrated that Brian had contact with Raven prior to
22 filing the present action.
23

25 ///

26 ///

27 ///

1 The Court found Raven credible that Brian located her two years prior
2 to filing the present action. Brian did not dispute the fact that he approached
3 her at her residence. The Court did not receive evidence that either parent
4 committed any act of abduction.
5

6 Based upon the totality of the evidence received and as outlined above,
7 the Court concludes that an award of joint physical custody is not in Aeyani's
8 best interest. The Court therefore, awards primary physical custody to Raven.
9

10 In regards to child support, NAC 425.115 states:
11

12 ***Determination of child support obligation in accordance with***
13 ***guidelines if no stipulation; adjustment of obligation based upon type***
14 ***of custody held by parent.***

15 1. *If the parties do not stipulate to a child support obligation pursuant*
16 *to NAC 425.110, the court must determine the child support*
17 *obligation in accordance with the guidelines set forth in this chapter.*

18 2. *If a party has primary physical custody of a child, he or she is*
19 *deemed to be the obligee and the other party is deemed to be the*
20 *obligor, and the child support obligation of the obligor must be*
21 *determined.*

22 Brian filed a Financial Disclosure that outlined his current monthly
23 income of \$1,800.00 per month. Therefore, Brian's monthly obligation is
24 \$288.00 per month, payable on the first of every month.
25

26 ///

27 ///

28 ///

///

1 **ORDER**

2 **NOW, THEREFORE, IT IS HEREBY ORDERED** that Brian and
3
4 Raven shall share Joint Legal Custody of Aeyani as follows:

5 A. The parties shall consult and cooperate with each other in
6 substantial questions relating to religious upbringing, educational
7 programs, significant changes in social environment, and health care of
8 the child.
9

10 B. The parties shall have access to medical and school records
11 pertaining to the child and be permitted to independently consult with
12 any and all professionals involved with the child.
13

14 C. The parties shall participate in decisions regarding all schools
15 attended, and all providers of child care of the parties' minor child.
16

17 D. Each party shall be empowered to obtain emergency health
18 care for the child without the consent of the other party. Each party is
19 to notify the other party as soon as reasonably practicable of any illness
20 requiring medical attention, or any emergency involving the child.
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 E. Each party is to provide the other party, upon receipt,
2 information concerning the well-being of the child, including, but not
3 limited to, copies of report cards; school meeting notices; vacation
4 schedules; class programs; requests for conferences; results of
5 standardized or diagnostic tests; notices of activities involving the
6 child; samples of school work; order forms for school pictures; all
7 communications from health care providers; the names, addresses, and
8 telephone numbers of all schools, health care providers, regular day
9 care providers and counselors.
10

11 F. Each party is to advise the other party of the school, athletic,
12 and social events in which the child participates. Both parties may
13 participate in activities for the child, such as open house, attendance at
14 an athletic event, etc.
15

16 G. Each party is to provide the other party with the address and
17 telephone number at which the minor child resides, and to notify the
18 other party prior to any change of address and provide the telephone
19 number as soon as it is assigned.
20

21 H. Each party is to provide the other party with a travel itinerary
22 and, whenever reasonably possible, telephone numbers and addresses
23 at which the child can be reached whenever the child will be away
24 from the parties' home for a period of two (2) nights or more.
25
26
27
28

1 I. Each party shall be entitled to reasonable telephone
2 communication with the child. Each party is restrained from
3 unreasonably interfering with the child's right to privacy during such
4 telephone conversation. Telephone conversations shall be initiated
5 either by the child or parent and are to occur during reasonable
6 household hours.
7

8
9 J. In the event the parties cannot reach an agreement in regards to
10 Aeyani's educational needs, Raven shall have discretion to make the
11 determination related to her education.
12

13 **IT IS FURTHER ORDERED** that Raven shall exercise Primary
14 Physical Custody of Aeyani.
15

16 **IT IS FURTHER ORDERED** that Aeyani's timeshare shall be as
17 follows:
18

19 Aeyani shall reside with Brian from Saturday 6:00 p.m. to Monday
20 after school or 6:00 p.m. if school not in session. Aeyani shall reside with
21 Raven the remainder of the time.
22

23 **IT IS FURTHER ORDERED** that the receiving parent shall provide
24 the transportation for the child custody exchange. No other person shall be
25 present at the child custody exchanges.
26

27 ///

28 ///

1 **IT IS FURTHER ORDERED** that the non-custodial parent shall have
2 daily communication with Aeyani by phone or video each evening between
3 7:00 p.m. and 7:30 p.m. unsupervised by the other parent.
4

5 **IT IS FURTHER ORDERED** that the parties will follow the
6 Department I Holiday Schedule outlined in Exhibit 1.
7

8 **IT IS FURTHER ORDERED** that all significant others shall remain
9 in the background and shall not be allowed to interfere in communications
10 between the parties. They shall not be permitted to participate in the kind of
11 activities in which legal custody is required such as a health care appointment,
12 a parent/teacher conference, etc. They shall, however, be permitted to attend
13 public events such as a performance or school event. Neither parent may allow
14 anyone else to share the title “mom,” “mother,” “mommy,” “dad,” “father,”
15 “daddy,” or anything else similar.
16
17

18 **IT IS FURTHER ORDERED** that Brian’s child support from the
19 date of this Order forward shall be \$288.00 due the first of every month and
20 shall continue until Aeyani reaches the age of majority or graduates high
21 school whichever is later but only until age 19.
22
23

24 **IT IS FURTHER ORDERED** that Aeyani is currently on Medicaid.
25 If health insurance becomes available for Aeyani, parents shall split the cost of
26 the insurance.
27

28 ///

1 **IT IS FURTHER ORDERED** that any unreimbursed medical, dental,
2 optical, orthodontic or other health related expenses incurred for the minor
3 child shall be divided equally between the parties. Either party incurring an
4 out-of-pocket health care expense shall provide a copy of the paid invoice/
5 receipt to the other party within 30 days of incurring such expense. If the
6 invoice/receipt is not tendered within the thirty day period, the Court may
7 consider it as a waiver of reimbursement. The other party will then have 30
8 days from receipt within which to dispute the expense in writing or reimburse
9 the incurring party for one-half of the expense. If not disputed or paid within
10 the 30 day period, the party may be subject to a finding of contempt and
11 appropriate sanctions.
12

13 **IT IS FURTHER ORDERED** that for the tax year 2020 forward,
14 Raven shall be entitled to claim Aeyani as a tax dependent.
15

16 **IT IS FURTHER ORDERED** that the parties shall exchange their
17 tax returns, together with all schedules and forms, no later than April 30
18 annually for the purpose of determining whether there has been a change in
19 circumstance justifying revisiting the child support obligation.
20

21 **IT IS FURTHER ORDERED** that counsel shall submit requests for
22 attorney's fees pursuant to NCP 54(b).
23

24 ///
25

26 ///
27
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

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

25C.0045(7)(8): The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

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

///

1 (b) Upon motion of one of the parties, the court may order the
2 parent to post a bond if the court determines that the parent
3 poses an imminent risk of wrongfully removing or concealing
4 the child outside the country of habitual residence. The bond
5 must be in an amount determined by the court and may be used
6 only to pay for the cost of locating the child and returning the
7 child to his or her habitual residence if the child is wrongfully
8 removed from or concealed outside the country of habitual
9 residence. The fact that a parent has significant commitments
10 in a foreign country does not create a presumption that the
11 parent poses an imminent risk of wrongfully removing or
12 concealing the child.

13 **NOTICE IS HEREBY GIVEN** that, pursuant to NRS
14 125C.0065:

15 1. If JOINT PHYSICAL CUSTODY has been established
16 pursuant to an order, judgment or decree of a court and one
17 parent intends to relocate his or her residence to a place outside
18 of this State or to a place within this State that is at such a
19 distance that would substantially impair the ability of the other
20 parent to maintain a meaningful relationship with the child,
21 and the relocating parent desires to take the child with him or
22 her, the relocating parent shall, before relocating:

23 (a) Attempt to obtain the written consent of the non-relocating
24 parent to relocate with the child; and

25 (b) If the non-relocating parent refuses to give that consent,
26 petition the court for primary physical custody for the purpose
27 of relocating.

28 2. The court may award reasonable attorney's fees and costs to
the relocating parent if the court finds that the non-relocating
parent refused to consent to the relocating parent's relocation
with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section
before the court enters an order granting the parent primary
physical custody of the child and permission to relocate with
the child is subject to the provisions of NRS 200.359.

1 **NOTICE IS HEREBY GIVEN** that the non-custodial parent may
2 be subject to the withholding of wages and commissions for delinquent
3 payments of support pursuant to NRS 31A.010, *et. seq.* and NRS 125.007.
4

5 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, the
6 parties may request a review of child support every three years, or at any time
7 upon changed circumstances.
8

9 **NOTICE IS HEREBY GIVEN** that both parties shall submit the
10 information required by NRS125B.055, NRS 125.30 and NRS 125.230 on a
11 separate form to the Court and to the Welfare Division of the Department of
12 Human Resources within ten days from the date this Order is filed. Such
13 information shall be maintained by the Clerk in a confidential manner and not
14 part of the public record. The parties shall update the information filed with
15 the Court and the Welfare Division of the Department of Human Resources
16 within ten days should any of that information become inaccurate.
17
18
19

20 **NOTICE IS HEREBY GIVEN** that if you want to adjust the
21 amount of child support established in this order, you **MUST** file a motion to
22 modify the order with or submit a stipulation to the court. If a motion to
23 modify the order is not filed or a stipulation is not submitted, the child support
24 obligation established in this order will continue until such time as all children
25 who are the subject of this order reach 18 years of age or, if the youngest child
26 who is subject to this order is still in high school when he or she reaches 18
27
28

1 years of age, when the child graduates from high school or reaches 19 years of
2 age, whichever comes first. Unless the parties agree otherwise in a stipulation,
3 any modification made pursuant to a motion to modify the order will be
4 effective as of the date the motion was filed.
5

6 **IT IS FURTHER ORDERED** that counsel may submit requests for
7 attorney's fees under NRCP 54(b).
8

9 **IT IS FURTHER ORDERED** that Raven shall file the Notice of
10 Entry of this Decision and Order with the Court upon receipt of the filed
11 stamped document.
12

13 Dated this 1st day of March, 2021

14 
15 _____
16

17 AFA D90 38D9 BE2C
18 Sunny Bailey
19 District Court Judge
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1

***Eighth Judicial District Court
Department I – Family Division
Holiday and Vacation Plan***

This schedule shall remain in effect unless: (1) the parties agree in writing, signed by both parties, to an alternate schedule; or (2) by subsequent order of the Court.

Precedence:

The *holiday* schedule shall take precedence over *vacation* periods; and *vacation* periods shall take precedence over regular timeshare periods. Where there is an overlap of conflicting holidays, the following priority shall prevail:

	<u>Odd Year</u>	<u>Even Year</u>
Overlap Precedent	DAD	MOM

Weekend Holidays

The parents will share weekend holidays based on the following schedule. The holiday weekend begins upon the release of school for the holiday period and continues until the morning school resumes following the holiday, at the first morning bell, unless otherwise noted. In the event that school is not in session, the following holiday time will begin on Friday at 3:00 p.m., and continue until 9:00 a.m., on the first weekday following the holiday.

	<u>Odd Year</u>	<u>Even Year</u>
Martin Luther King Day Weekend	MOM	DAD
President's Day Weekend	DAD	MOM
Mother's Day Weekend	MOM	MOM
Memorial Day Weekend	MOM	DAD
Father's Day Weekend	DAD	DAD
Independence Day ¹	DAD	MOM
Labor Day Weekend	MOM	DAD
Nevada Admission Day Weekend	DAD	MOM

¹ Independence Day will include the weekend if the holiday occurs on a Friday, Saturday, Sunday or Monday of any given year. In the event the holiday occurs on Tuesday, Wednesday or Thursday, it will be treated as a one day holiday and shall begin at 9:00 a.m. on July 3rd and continue until July 5th at 9:00 a.m.

	<u>Odd Year</u>	<u>Even Year</u>
Halloween Day ²	DAD	MOM
Veterans' Day Weekend ³	MOM	DAD

Birthdays

The parents will share birthdays based on the schedule set forth below. The birthday schedule will begin after school on the birthday (or if school is not in session, at 9:00 a.m.) and continue until the morning following the birthday at 9:00 a.m., or when school begins, at the first morning bell, if school is in session, when the regular residential schedule will resume. The designated parent shall be entitled to have ALL of the parties' children in his/her care during the birthday period.

	<u>Odd Year</u>	<u>Even Year</u>
Children's Birthdays	MOM	DAD

Easter/Spring Break

The parents will share the Easter/Spring Break based on the following schedule, with the holiday period to begin upon the release of school for the holiday period and continue until school resumes following the Spring Break at the first morning bell.

	<u>Odd Year</u>	<u>Even Year</u>
Easter/Spring Break	DAD	MOM

Thanksgiving

The parents will share the Thanksgiving Break based on the following schedule, with the holiday period to begin upon the release of school before Thanksgiving and shall continue until school resumes following the holiday.

	<u>Odd Year</u>	<u>Even Year</u>
Thanksgiving Break	MOM	DAD

Winter Break

The Winter Break holiday period will be divided into two segments based on the school calendar. Specifically, the first segment will begin on the day the

² Halloween will be celebrated as a one day holiday, beginning upon the release of school, or 9:00 a.m., if school is not in session, and continuing until the next morning when school resumes or 9:00 a.m., if school is not in session.

³ Veterans' Day will include the weekend if it is attached to a weekend holiday period. In the event the holiday is celebrated as a one-day holiday by the school district, it shall begin at 9:00 a.m. on November 11th and continue until November 12th at 9:00 a.m. In the event the school district does not provide a release from school for Veterans' Day, neither party shall be entitled to a variance from the regular timeshare for this holiday period.

school calendar releases for the break and shall continue until December 26th at 12:00 p.m. (noon), when the other parent's timeshare shall begin, to continue until school resumes following the Winter Break.

	<u>Odd Year</u>	<u>Even Year</u>
First Segment/Christmas	DAD	MOM
Second Segment/New Year's	MOM	DAD

Religious Holidays

When parents do not share the same religious beliefs, each parent shall have the right to provide religious instruction of their choosing to the child(ren). When both parents are of the same faith, both parents shall have the opportunity to enjoy the right to celebrate a religious holiday with the child(ren) on an alternating year basis. The following sample religious holiday schedules are intended to provide examples of shared holiday schedules for religious holidays and apply *only if* one or both parents have traditionally celebrated such holidays with the parties' child(ren):

Sample Jewish Holiday

The following holidays begin upon the release of school before the holiday period, or if school is not in session at 3:00 p.m., and continue as designated until school resumes the day after the holiday period, or if school is not in session at 9:00 a.m.:

	<u>Odd Year</u>	<u>Even Year</u>
Passover [1 st two nights]	DAD	MOM
Rosh Hashanah [2 day holiday]	MOM	DAD
Yom Kippur [One day holiday]	DAD	MOM
Purim [One day holiday]	MOM	DAD
Sukkot [1 st two nights]	DAD	MOM
Hanukkah [1 st two nights]	MOM	DAD

....

Sample Baha'i Holy Days and Commemorative Days

The following holidays, when work is to be suspended, begin upon the release of school before the holiday period, or if school is not in session at 3:00 p.m., and continue as designated until school resumes the day after the holiday period, or if school is not in session at 9:00 a.m.:

	<u>Odd Year</u>	<u>Even Year</u>
Naw-Ruz March 21	DAD	MOM
Festival of Ridvan April 21	MOM	DAD
Declaration of the Bab May 23	DAD	MOM
Ascension of Baha'u'llah May 29	MOM	DAD
Martyrdom of Bab July 9	DAD	MOM
Birth of the Bab October 20	MOM	DAD
Birth of Baha'u'llah November 12	DAD	MOM

Summer/Track Vacation

Each parent shall have on fourteen (14) day uninterrupted summer timeshare with the child(ren) per year during the period of summer or track release for the Clark County School District. The fourteen (14) day period may not be added to regular timeshare dates to extend a parent's summer vacation beyond fourteen (14) days without the written consent of the other party.

The parent with selection priority shall provide notice of his/her summer vacation dates in writing via email by March 1st with the other parent providing notice of her/his summer vacation dates in writing via email by March 15th. Track vacation dates must be designated at least thirty (30) days before the track break begins. Failure to provide notice of summer/track vacation dates by deadline provided shall constitute a waiver of priority and the other party shall have the right to provide written notice of his/her summer/track vacations dates, which shall take precedence for that year only. If a party does not provide written notice of his or her vacation dates by May 1st, that party shall have waived his/her right to exercise a vacation period for that year only.

	<u>Odd Year</u>	<u>Even Year</u>
Vacation Selection Priority	DAD	MOM

1 ***Year-Round School***

2 In the event the parties' child(ren) attend year round school, the regular
3 timeshare shall continue during all track breaks unless: (1) either party has
4 designated a vacation period, as set forth above, or (2) otherwise agreed in a
writing signed by both parties.

5 ***In-Service/Professional Development Days***

6 Undesignated school holidays shall follow the parties' regular timeshare
7 schedule. However, in the event an in-service day is attached to a weekend or
8 other holiday period, the undesignated holiday shall attach to the weekend or
9 other holiday period and the parent assigned the weekend or holiday period
(including any undesignated period) until school resumes following the
weekend or other holiday period, at the first morning bell.

10 ***Transportation***

11 The receiving parent shall be responsible for providing transportation, unless
12 otherwise ordered by the Court.

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Brian Lee Whittle, Plaintiff.

CASE NO: D-19-591074-C

7 vs.

DEPT. NO. Department I

8 Raven Morris, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Decision and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/1/2021

15 Kenneth Robbins, Esq.

FamilyFirst@HalfPriceLawyers.com

16 Brian Whittle

Whittle.bw@gmail.com

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

Defendant

**NOTICE OF ENTRY OF DECISION
AND ORDER**

Kenneth M. Robbins, Esq.
Nevada Bar #13572
“Unbundled” Attorney for Defendant

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----

Raven Morris
4980 E Owens Avenue
Apartment 1E
Las Vegas NV 89110
Defendant

Dated this 2nd day of March, 2020.

Page 2 of 2
NEOJ

1 **DAO**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 *****

6 BRIAN LEE WHITTLE,

CASE NO.: D-19-591074-C

7 Plaintiff,

DEPT: I

8
9 vs.

DATE OF HEARING: 02/18/2021

10 RAVEN MORRIS,

TIME OF HEARING: 9:00 A.M

11 Defendant.
12

13 **DECISION AND ORDER**

14
15 THIS MATTER came before the Court for Evidentiary Hearing on
16 February 18, 2021. Plaintiff, Brian Lee Whittle (“Brian”), appeared pro per
17 over the *Blue Jeans* video application and Defendant, Raven Morris (“Raven”)
18 appeared represented by Kenneth Robbins, Esq., over the *Blue Jeans* video
19 application. The Court heard the testimony from the parties. The Court after
20 reviewing the pleadings and papers on file herein, and after considering and
21 weighing the credibility of the parties, and good cause appearing issues its
22 *Findings of Fact, Conclusions of Law, and Orders* as set forth herein.
23
24

25 ///

26 ///

27 ///

SUMMARY OF TESTIMONY

1. Brian and Raven have not been married.

2. They have a child in common, Aeyani Morris (“Aeyani”), born on September 16, 2012. She is currently 8 years old.

3. Brian improperly obtained a Court order that changed Aeyani’s name at the same time that he obtained a paternity order signed by the Court in 2019.

4. Brian did not let Raven know that he changed Aeyani’s name. He then took the birth certificate reflecting the new name to the school, because it was important to him that Aeyani have his last name.

5. The parties stipulate to change minor child’s name to Aeyani Natalia Morris-Whittle. Brian is responsible for changing her name on her birth certificate.

6. Brian Whittle has lived in North Las Vegas for the last twenty-five years.

7. He married his wife Katrina (“Trina”) on April 14, 2014. They have been in a relationship for almost twenty (20) years. He has five (5) stepchildren between the ages of 18 – 27 years through Trina. He lives with Trina, his stepdaughter and Aeyani in a four bedroom house.

8. He was in his relationship with Trina when Aeyani was born. Raven was not aware of his relationship with Trina at that time.

1 9. Trina was upset when she was told about Aeyani but she has
2 been supportive of his relationship with Aeyani. He describes their
3 relationship as good at this time.
4

5 10. He loves his daughter and testified that they did everything
6 together from day one until Aeyani finished kindergarten.
7

8 11. Raven's grandmother left town and Raven left as well. He lost
9 contact with Raven and Aeyani.

10 12. Brian contacted Raven's brothers and cousins and left
11 messages for her to call him. He claimed he did not have her phone number.
12 He is not on social media so he could not contact her by that method.
13

14 13. Brian also went to the school but Aeyani was not there. The
15 school refused to give him any information because he did not have legal
16 documents.
17

18 14. He did not file anything with the courts because he figured he
19 needed to find her to serve her with complaint and he could not locate her.
20

21 15. He found her once but she would not let him see Aeyani.
22 Raven did give him Aeyani's phone number. He was able to visit her once at a
23 McDonalds.
24

25 ///

26 ///

27 ///

28 ///

1 16. He found her in 2017 at the end of the school year. He hired
2 someone to serve her papers when she told him that he could not see Aeyani.
3
4 They went to mediation and were supposed to return to court. Raven did not
5 appear because the notice was sent to an address that did not include her
6 apartment number.

7
8 17. He and Raven used to get along well, but now she is against
9 everything he presents to her. He signed up for the communication app, but
10 she did not, although, the only communication between them is about school.

11
12 18. Brian wants Aeyani to get to know his side of the family and
13 would like to be part of making decisions.

14 19. The current schedule is Sunday at 9:00 a.m. – Wednesday at
15 6:00 p.m. Brian believes Aeyani is flourishing on the current schedule. When
16 Aeyani is with his family, they do school work, go outside and ride bikes,
17 movies and church.

18
19
20 20. Brian currently only works Thursdays, Fridays and Saturdays
21 due to distance learning. He wants to be with Aeyani to make sure she gets to
22 her classes. His stepdaughter is attending college virtually so she cannot watch
23 Aeyani during school.

24
25 ///

26
27 ///

28 ///

1 21. Brian is aware the school recommended an IEP for Aeyani.
2 He does not know what IEP stands for but he is trying to get her tested further.
3
4 Brian also provides extra tutoring paid for by his mother. He figured if Aeyani
5 had extra help she would not need an IEP. He was opposed to the IEP but told
6 the Court he would get one if it was required.

7
8 22. Brian did not discuss the tutor with Raven because it was
9 provided at his home. He claimed Aeyani was doing well in school thanks to
10 his assistance, although the school still recommends an IEP.

11
12 23. He is a barber and pays \$200.00 a week for his chair rental.
13 The owner of the barber shop did not reduce the rent based upon his current
14 schedule. He reported a monthly income of \$1,800.00 on his most recent FDF.
15
16 Once Aeyani can attend school in person again, he can go back to the shop
17 more.

18 24. He previously worked as a landscaper until he was injured in
19 2018. He was unable to have surgery due to lack of insurance. He still does
20
21 not have insurance for himself,

22 25. Raven has Aeyani insured under Medicaid. He does not have a
23
24 copy of the card.

25 ///

26 ///

27 ///

28 ///

1 26. There was a previous issue with Aeyani and her glasses she
2 wears while on the computer or reading. Raven purchased the glasses but
3 Aeyani was forgetting to take them back to her house. As a result, Aeyani now
4 has a pair of glasses at each house.
5

6 27. Brian communicates with Raven about once a month. Trina
7 communicates with her approximately once every other month. Either Brian,
8 Trina or the two of them together drops off Aeyani.
9

10 28. Last summer, Trina was arrested for domestic violence. She
11 would not calm down, so Brian called the police. Her children and Aeyani
12 were present during the incident. He had his mother remove Aeyani from the
13 house during the incident.
14

15 29. He obtained a protection order at that time on behalf of the
16 children. However, he let Trina back in the house as soon as she was released
17 from jail. . Brian is not concerned that another incident will occur again
18 because he and Trina discussed it and it was smoothed out. Trina did not
19 participate in any type of DV counseling.
20

21 30. Brian testified that Aeyani was with him on Christmas last
22 year. Raven called and asked Aeyani what daddy got her for Christmas. Brian
23 objected to the question and took the phone away from Aeyani and told Raven
24 it was none of her business what Aeyani received for Christmas. When Raven
25 asked Aeyani again what she got for Christmas, he hung up the phone.
26
27
28

1 31. Brian did not return Aeyani to Raven because he believed
2 Aeyani could stay with him until Sunday due to a previous occasion when he
3 let Aeyani stay with Raven a couple extra days.
4

5 32. Raven lives in a three bedroom, two bathroom house with
6 Aeyoni and her other two children. Shamar (age 13) and Kayoni (age 5). Each
7 child has a different father. She does not have a relationship with Shamar's
8 father because of his drug issues. Her relationship with her former partner,
9 Kayoni's mother Kim, is great.
10

11 33. Raven was laid off from her construction job in October of
12 2020. She was earning \$14.00 an hour at that time. She currently receives
13 foodstamps and Medicaid. Her fiancé works at the school district and assists
14 with her bills although they do not live in the same house.
15
16

17 34. Raven testified that she met Brian while walking to the store
18 when she was 16 years old. She believed he was in his 20s or 30s at the time.
19 She discovered his real age during the course of this action. He is currently 42
20 or 43 years old.
21

22 35. She did not know he was in a relationship until after she had
23 Aeyani. His wife contacted her on Facebook and called her a homewrecker.
24 She describes her relationship with Trina as poor.
25

26 ///

27
28 ///

1 36. Raven communicates through Trina multiple times each week.
2 Trina told her to go through her and not Brian. She does not communicate
3 with Brian because he talks to her like she is a kid and uses nasty slurs.
4

5 37. Brian had limited involvement with Aeyani for her first four
6 years. He would see Aeyani for a couple hours once a month or every other
7 month.
8

9 38. He became more involved when she started preschool, but then
10 did not see her again until end of the second grade school year.
11

12 39. Raven maintained her same phone number. Brian was aware
13 of her address when she moved because he showed up one day unannounced.
14 He had a mean demeanor and demanded to see Aeyani. Raven told him no
15 because he could not just pop up whenever he wanted.
16

17 40. She did not hear from him again until Brian filed the
18 complaint. Brian then saw Aeyani approximately once a week until the Court
19 expanded it to the current schedule.
20

21 41. Brian is rarely present for exchanges. Trina does most of the
22 exchanges. When Raven asks Brian about it, Brian told her Trina goes because
23 she is his wife.
24

25 ///

26 ///

27 ///

1 42. Raven stated she has communication issues with Brian. She
2 did not have his number until he filed papers. She has to call the house phone
3 or Brian's phone to talk to Aeyani. If she calls Brian's phone he does not
4 answer and the house phone just rings. Brian never called Aeyani when she
5 was in her care.
6

7 43. Brian changed Aeyani's name without her knowledge. She
8 found out about it when she went to the school and was told no information
9 would be provided until they had contacted Brian. The school later contacted
10 her to tell her that Brian was trying to remove her from the contact list.
11

12 44. The school informed her that Aeyani has a learning disability
13 and offered an IEP. She was in favor of the IEP but Brian and Trina refused to
14 sign the papers. Brian believes that they could come together to take care of it
15 instead.
16

17 45. Aeyani's grades have remained about the same. Aeyani has
18 daily assignments she needs to complete. Raven helps her with her homework.
19

20 46. In regards to the glasses, she tried to share the glasses but
21 Brian would not return the glasses at the exchanges. The glasses were at his
22 house for over a month before he returned them.
23

24 47. Raven described an incident over this past Christmas when
25 she called Aeyani. She asked her what Santa brought her for Christmas. Brian
26 told her that it was none of her business and hung up the phone on her.
27
28

48. Raven requests the Court grant her primary custody with Aeyani in her care from Sunday to Friday after school.

49. Kim Hannah (“Kim”) testified that she shares a child, Keyoni, with Raven. She met Raven online. They are no longer in a relationship but they co-parent Keyoni together.

50. Kim witnessed the interactions between Brian and Raven. They did not communicate well. Brian would often talk over Raven and would not allow Raven to get her point across. Neither of them listened to the other.

51. Kim mediated communications between Brian, Raven and Trina. Kim also believes that Trina disliked Raven based upon her actions and words.

CONCLUSIONS

Brian requests joint legal and joint physical custody of Aeyani.

Raven requests joint legal and primary physical custody. The parties have a temporary custodial agreement pending resolution by the Court.

As to joint legal custody, NRS 125C.002 states:

1. When a court is making a determination regarding the legal custody of a child, there is a presumption, affecting the burden of proof, that joint legal custody would be in the best interest of a minor child if:

(a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or

/ / /

1 (b) A parent has demonstrated, or has attempted to demonstrate but
2 has had his or her efforts frustrated by the other parent, an intent to
3 establish a meaningful relationship with the minor child.

4 2. The court may award joint legal custody without awarding joint
5 physical custody.

6 The parties agreed to an award of joint legal custody. However, the
7 Court is extremely concerned about Brian's refusal to obtain the recommended
8 IEP for Aeyani.

9 **THEREFORE, IT IS ORDERED** that both parties shall be awarded
10 joint legal custody of the minor child, Aeyani.

11 **IT IS FURTHER ORDERED** that should Brian and Raven disagree
12 in regards to Aeyani's educational needs, Raven shall have the discretion to
13 make the final determination.
14

15 The Court must next consider presumptions against joint physical
16 custody pursuant to NRS 125C.003 which states in relevant part:
17

18 ***Best interests of child: Primary physical custody;***
19 ***presumptions; child born out of wedlock.***

20 *1. A court may award primary physical custody to a parent if*
21 *the court determines that joint physical custody is not in the*
22 *best interest of a child. An award of joint physical custody is*
23 *presumed not to be in the best interest of the child if:*

24 *(a) The court determines by substantial evidence that a parent is*
25 *unable to adequately care for a minor child for at least 146 days*
26 *of the year;*

27 *(b) A child is born out of wedlock and the provisions of*
28 *subsection 2 are applicable; or*

/ / /

1 (c) *Except as otherwise provided in subsection 6 of NRS*
2 *125C.0035 or NRS 125C.210, there has been a determination by*
3 *the court after an evidentiary hearing and finding by clear and*
4 *convincing evidence that a parent has engaged in one or more*
5 *acts of domestic violence against the child, a parent of the child*
6 *or any other person residing with the child. The presumption*
7 *created by this paragraph is a rebuttable presumption.*

8 2. *A court may award primary physical custody of a child born*
9 *out of wedlock to:*

10 (a) *The mother of the child if:*

11 (1) *The mother has not married the father of the child;*

12 (2) *A judgment or order of a court, or a judgment or order*
13 *entered pursuant to an expedited process, determining the*
14 *paternity of the child has not been entered; and*

15 (3) *The father of the child:*

16 (I) *Is not subject to any presumption of paternity under NRS*
17 *126.051;*

18 (II) *Has never acknowledged paternity pursuant to NRS 126.053;*
19 *or*

20 (III) *Has had actual knowledge of his paternity but has*
21 *abandoned the child.*

22 Prior to filing the present action, Brian had limited contact with
23 Aeyani. He did not care for Aeyani at least 146 days of the year. After he
24 filed the present action, the Court granted temporary Joint Legal and Joint
25 Physical custody on October 3, 2019, when Raven did not appear at the
26 hearing. It is undisputed that her failure to appear was due to Brian not
27 including her apartment number when he mailed her the motion. The Court
28 notes that Brian incorrectly included her apartment number on his certificate of
29 service.

30 ///

31 ///

1 Since that time, Aeyani has been in Brian's care from Sunday at 9:00
2 a.m. to Wednesday at 6:00 p.m. which constitutes of 146 days in the past year.
3
4 Therefore, Raven has not established primary physical custody for Aeyani.

5 However, joint physical custody is not automatically granted. As
6 further outlined below, the Court does not find that joint physical custody is in
7 Aeyani's best interest. The Court must consider the best interests of the
8 parties' children by considering the factors established under NRS
9 125C.0035(4):
10

11
12 *4. In determining the best interest of the child, the court shall*
13 *consider and set forth its specific findings concerning, among*
14 *other things:*

15 *(a) The wishes of the child if the child is of sufficient age and*
16 *capacity to form an intelligent preference as to his or her*
17 *physical custody.*

18 At 8 years of age, Aeyani is not of sufficient age and capacity to form
19 an intelligent preference as to her physical custody.

20 *(b) Any nomination of a guardian for the child by a parent.*

21 Nomination of guardianship is not relevant in these proceedings
22 between two parents and not involving a third party.
23

24 ///

25 ///

26 ///

1 (c) Which parent is more likely to allow the child to have
2 frequent associations and a continuing relationship with the
3 noncustodial parent.

4 This factor is in Raven's favor. Raven testified that she is unable to
5 contact Aeyani when she is in Brian's care. She has to call the house phone,
6 which usually just rings, or Brian's phone, which he usually does not answer.
7 Additionally, on Christmas, when Raven asked Aeyani what she received for
8 Christmas, Brian told Raven it was none of her business and hung up on her.
9

10
11 (d) The level of conflict between the parents.

12 The Court finds in favor of Raven. Kim testified that neither Brian nor
13 Raven listen to each other. The Court questions Brian's ability to co-parent.
14 Additionally, the Court does not find Brian credible in regards to his
15 involvement with Aeyani.
16

17
18 First, the Court questions Brian's initial Motion and Notice of Motion
19 for Temporary Custody filed on September 26, 2019. His Certificate of
20 Service details service on Raven at her address and lists her apartment number.
21 The Certificate of Mailing, however, left off her apartment number. When
22 Raven failed to appear at the hearing, or file an opposition to the unserved
23 motion, Brian obtained temporary joint legal, joint physical custody and
24 adding his name to the birth certificate. Brian was instructed to prepare the
25 Order, which was signed by the Court (prior to reassignment to this
26
27
28

1 department). Brian then filed a separate order to change Aeyani's name with
2 no notice to Raven and no motion to do so. Due to an oversight, the Order was
3 signed. He never filed the Notice of Entry of Order for the name change,
4 although he filed the Notice of Entry of Order from the October 3, 2019
5 hearing.
6

7 Brian then took the Order for the name change, of which it is
8 undisputed that Raven did not have notice of at this time, and changed
9 Aeyani's name at the school because it was now important to him that she had
10 his name. The Court is extremely concerned at the deceptive actions of Brian
11 over both the motion and subsequent orders.
12

13 The credible evidence presented to the Court demonstrates that Brian
14 has passed over the majority of communications with Raven to his wife, Trina.
15 Raven and Kim both testified as to the animosity of Trina towards Raven.
16 Raven's first interaction with Trina was when she contacted her to call her a
17 homewrecker after Aeyani was born. Trina is present for exchanges and even
18 told Raven that all communications were to go through her. This unnecessarily
19 creates additional conflict.
20

21
22
23
24 *(f) The mental and physical health of the parents.*

25 The Court did not receive any credible evidence that suggests either
26 party presently suffers any physical or mental health issues that prevent them
27 from being able to parent the children.
28

1 (g) *The physical, developmental and emotional needs of the*
2 *child.*

3 The Court finds this factor to be in favor of Raven. The Court is
4
5 extremely concerned that Brian refused the recommendation of the school
6 district for an IEP. He did not research the issue as evidenced by the fact that
7 he was unsure what an IEP was or the purpose of an IEP. Raven testified that
8 he and Trina decided that Aeyani should not have an IEP. This is not in the
9 best interest of Aeyani's developmental needs.
10

11 (h) *The nature of the relationship of the child with each parent.*
12

13 The Court is persuaded from the evidence as a whole that both
14 parents testified that they had a good relationship with Aeyani. This factor
15 favors both parents.
16

17 (i) *The ability of the child to maintain a relationship with any*
18 *sibling.*

19 The Court finds this factor is neutral but leans slightly towards Raven.
20
21 She describes a good relationship between Aeyani and her other siblings.
22 Brian has five stepchildren but he did not testify as to Aeyani's relationship
23 with any of them.
24

25 (j) *Any history of parental abuse or neglect of the child or a*
26 *sibling of the child.*

27 The Court received competent evidence that Brian's refusal to approve
28 an IEP for Aeyani could be considered educational neglect.

1 (k) Whether either parent or any other person seeking physical
2 custody has engaged in an act of domestic violence against the
3 child, a parent of the child or any other person residing with the
4 child.

5 There was no credible evidence in regards to this factor. However, the
6 Court is extremely concerned that after Trina was arrested on a domestic
7 violence related charge, Brian obtained a Temporary Protection Order. Aeyani
8 was present during the incident, and Brian had to call his mother to remove her
9 from the situation. Brian found it necessary to obtain the temporary protection
10 order, yet allowed Trina back into the same house, with the children, when she
11 was released from custody after the incident.
12

14 (l) Whether either parent or any other person seeking physical
15 custody has committed any act of abduction against the child or
16 any other child.

17 The Court did not find Brian credible when he testified that Raven left
18 with Aeyani and he was unable to locate them. Brian claimed he did not have
19 a social media account to try and locate her. Yet, his wife was able to contact
20 her via Facebook to call her a homewrecker. The undisputed evidence
21 presented to the Court demonstrated that Brian had contact with Raven prior to
22 filing the present action.
23

25 ///

26 ///

27 ///

1 The Court found Raven credible that Brian located her two years prior
2 to filing the present action. Brian did not dispute the fact that he approached
3 her at her residence. The Court did not receive evidence that either parent
4 committed any act of abduction.
5

6 Based upon the totality of the evidence received and as outlined above,
7 the Court concludes that an award of joint physical custody is not in Aeyani's
8 best interest. The Court therefore, awards primary physical custody to Raven.
9

10 In regards to child support, NAC 425.115 states:
11

12 ***Determination of child support obligation in accordance with***
13 ***guidelines if no stipulation; adjustment of obligation based upon type***
14 ***of custody held by parent.***

15 1. *If the parties do not stipulate to a child support obligation pursuant*
16 *to NAC 425.110, the court must determine the child support*
17 *obligation in accordance with the guidelines set forth in this chapter.*

18 2. *If a party has primary physical custody of a child, he or she is*
19 *deemed to be the obligee and the other party is deemed to be the*
20 *obligor, and the child support obligation of the obligor must be*
21 *determined.*

22 Brian filed a Financial Disclosure that outlined his current monthly
23 income of \$1,800.00 per month. Therefore, Brian's monthly obligation is
24 \$288.00 per month, payable on the first of every month.
25

26 ///

27 ///

28 ///

///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8

4
5
6
7
8

5
6
7
8

78

8

1 E. Each party is to provide the other party, upon receipt,
2 information concerning the well-being of the child, including, but not
3 limited to, copies of report cards; school meeting notices; vacation
4 schedules; class programs; requests for conferences; results of
5 standardized or diagnostic tests; notices of activities involving the
6 child; samples of school work; order forms for school pictures; all
7 communications from health care providers; the names, addresses, and
8 telephone numbers of all schools, health care providers, regular day
9 care providers and counselors.
10

11 F. Each party is to advise the other party of the school, athletic,
12 and social events in which the child participates. Both parties may
13 participate in activities for the child, such as open house, attendance at
14 an athletic event, etc.
15

16 G. Each party is to provide the other party with the address and
17 telephone number at which the minor child resides, and to notify the
18 other party prior to any change of address and provide the telephone
19 number as soon as it is assigned.
20

21 H. Each party is to provide the other party with a travel itinerary
22 and, whenever reasonably possible, telephone numbers and addresses
23 at which the child can be reached whenever the child will be away
24 from the parties' home for a period of two (2) nights or more.
25
26
27
28

1 I. Each party shall be entitled to reasonable telephone
2 communication with the child. Each party is restrained from
3 unreasonably interfering with the child's right to privacy during such
4 telephone conversation. Telephone conversations shall be initiated
5 either by the child or parent and are to occur during reasonable
6 household hours.
7

8
9 J. In the event the parties cannot reach an agreement in regards to
10 Aeyani's educational needs, Raven shall have discretion to make the
11 determination related to her education.
12

13 **IT IS FURTHER ORDERED** that Raven shall exercise Primary
14 Physical Custody of Aeyani.
15

16 **IT IS FURTHER ORDERED** that Aeyani's timeshare shall be as
17 follows:
18

19 Aeyani shall reside with Brian from Saturday 6:00 p.m. to Monday
20 after school or 6:00 p.m. if school not in session. Aeyani shall reside with
21 Raven the remainder of the time.
22

23 **IT IS FURTHER ORDERED** that the receiving parent shall provide
24 the transportation for the child custody exchange. No other person shall be
25 present at the child custody exchanges.
26

27 ///

28 ///

1 **IT IS FURTHER ORDERED** that the non-custodial parent shall have
2 daily communication with Aeyani by phone or video each evening between
3 7:00 p.m. and 7:30 p.m. unsupervised by the other parent.
4

5 **IT IS FURTHER ORDERED** that the parties will follow the
6 Department I Holiday Schedule outlined in Exhibit 1.
7

8 **IT IS FURTHER ORDERED** that all significant others shall remain
9 in the background and shall not be allowed to interfere in communications
10 between the parties. They shall not be permitted to participate in the kind of
11 activities in which legal custody is required such as a health care appointment,
12 a parent/teacher conference, etc. They shall, however, be permitted to attend
13 public events such as a performance or school event. Neither parent may allow
14 anyone else to share the title “mom,” “mother,” “mommy,” “dad,” “father,”
15 “daddy,” or anything else similar.
16
17

18 **IT IS FURTHER ORDERED** that Brian’s child support from the
19 date of this Order forward shall be \$288.00 due the first of every month and
20 shall continue until Aeyani reaches the age of majority or graduates high
21 school whichever is later but only until age 19.
22
23

24 **IT IS FURTHER ORDERED** that Aeyani is currently on Medicaid.
25 If health insurance becomes available for Aeyani, parents shall split the cost of
26 the insurance.
27

28 ///

1 **IT IS FURTHER ORDERED** that any unreimbursed medical, dental,
2 optical, orthodontic or other health related expenses incurred for the minor
3 child shall be divided equally between the parties. Either party incurring an
4 out-of-pocket health care expense shall provide a copy of the paid invoice/
5 receipt to the other party within 30 days of incurring such expense. If the
6 invoice/receipt is not tendered within the thirty day period, the Court may
7 consider it as a waiver of reimbursement. The other party will then have 30
8 days from receipt within which to dispute the expense in writing or reimburse
9 the incurring party for one-half of the expense. If not disputed or paid within
10 the 30 day period, the party may be subject to a finding of contempt and
11 appropriate sanctions.
12

13 **IT IS FURTHER ORDERED** that for the tax year 2020 forward,
14 Raven shall be entitled to claim Aeyani as a tax dependent.
15

16 **IT IS FURTHER ORDERED** that the parties shall exchange their
17 tax returns, together with all schedules and forms, no later than April 30
18 annually for the purpose of determining whether there has been a change in
19 circumstance justifying revisiting the child support obligation.
20

21 **IT IS FURTHER ORDERED** that counsel shall submit requests for
22 attorney's fees pursuant to NCP 54(b).
23

24 ///
25

26 ///
27
28

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

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

25C.0045(7)(8): The terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country as follows:

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

///

1 (b) Upon motion of one of the parties, the court may order the
2 parent to post a bond if the court determines that the parent
3 poses an imminent risk of wrongfully removing or concealing
4 the child outside the country of habitual residence. The bond
5 must be in an amount determined by the court and may be used
6 only to pay for the cost of locating the child and returning the
7 child to his or her habitual residence if the child is wrongfully
8 removed from or concealed outside the country of habitual
9 residence. The fact that a parent has significant commitments
10 in a foreign country does not create a presumption that the
11 parent poses an imminent risk of wrongfully removing or
12 concealing the child.

13 **NOTICE IS HEREBY GIVEN** that, pursuant to NRS
14 125C.0065:

15 1. If JOINT PHYSICAL CUSTODY has been established
16 pursuant to an order, judgment or decree of a court and one
17 parent intends to relocate his or her residence to a place outside
18 of this State or to a place within this State that is at such a
19 distance that would substantially impair the ability of the other
20 parent to maintain a meaningful relationship with the child,
21 and the relocating parent desires to take the child with him or
22 her, the relocating parent shall, before relocating:

23 (a) Attempt to obtain the written consent of the non-relocating
24 parent to relocate with the child; and

25 (b) If the non-relocating parent refuses to give that consent,
26 petition the court for primary physical custody for the purpose
27 of relocating.

28 2. The court may award reasonable attorney's fees and costs to
the relocating parent if the court finds that the non-relocating
parent refused to consent to the relocating parent's relocation
with the child:

(a) Without having reasonable grounds for such refusal; or

(b) For the purpose of harassing the relocating parent.

3. A parent who relocates with a child pursuant to this section
before the court enters an order granting the parent primary
physical custody of the child and permission to relocate with
the child is subject to the provisions of NRS 200.359.

1 **NOTICE IS HEREBY GIVEN** that the non-custodial parent may
2 be subject to the withholding of wages and commissions for delinquent
3 payments of support pursuant to NRS 31A.010, *et. seq.* and NRS 125.007.
4

5 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145, the
6 parties may request a review of child support every three years, or at any time
7 upon changed circumstances.
8

9 **NOTICE IS HEREBY GIVEN** that both parties shall submit the
10 information required by NRS125B.055, NRS 125.30 and NRS 125.230 on a
11 separate form to the Court and to the Welfare Division of the Department of
12 Human Resources within ten days from the date this Order is filed. Such
13 information shall be maintained by the Clerk in a confidential manner and not
14 part of the public record. The parties shall update the information filed with
15 the Court and the Welfare Division of the Department of Human Resources
16 within ten days should any of that information become inaccurate.
17
18

19 **NOTICE IS HEREBY GIVEN** that if you want to adjust the
20 amount of child support established in this order, you **MUST** file a motion to
21 modify the order with or submit a stipulation to the court. If a motion to
22 modify the order is not filed or a stipulation is not submitted, the child support
23 obligation established in this order will continue until such time as all children
24 who are the subject of this order reach 18 years of age or, if the youngest child
25 who is subject to this order is still in high school when he or she reaches 18
26
27
28

1 years of age, when the child graduates from high school or reaches 19 years of
2 age, whichever comes first. Unless the parties agree otherwise in a stipulation,
3 any modification made pursuant to a motion to modify the order will be
4 effective as of the date the motion was filed.
5

6 **IT IS FURTHER ORDERED** that counsel may submit requests for
7 attorney's fees under NRCP 54(b).
8

9 **IT IS FURTHER ORDERED** that Raven shall file the Notice of
10 Entry of this Decision and Order with the Court upon receipt of the filed
11 stamped document.
12

13 Dated this 1st day of March, 2021

14 
15 _____
16

17 AFA D90 38D9 BE2C
18 Sunny Bailey
19 District Court Judge
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit 1

***Eighth Judicial District Court
Department I – Family Division
Holiday and Vacation Plan***

This schedule shall remain in effect unless: (1) the parties agree in writing, signed by both parties, to an alternate schedule; or (2) by subsequent order of the Court.

Precedence:

The *holiday* schedule shall take precedence over *vacation* periods; and *vacation* periods shall take precedence over regular timeshare periods. Where there is an overlap of conflicting holidays, the following priority shall prevail:

	<u>Odd Year</u>	<u>Even Year</u>
Overlap Precedent	DAD	MOM

Weekend Holidays

The parents will share weekend holidays based on the following schedule. The holiday weekend begins upon the release of school for the holiday period and continues until the morning school resumes following the holiday, at the first morning bell, unless otherwise noted. In the event that school is not in session, the following holiday time will begin on Friday at 3:00 p.m., and continue until 9:00 a.m., on the first weekday following the holiday.

	<u>Odd Year</u>	<u>Even Year</u>
Martin Luther King Day Weekend	MOM	DAD
President's Day Weekend	DAD	MOM
Mother's Day Weekend	MOM	MOM
Memorial Day Weekend	MOM	DAD
Father's Day Weekend	DAD	DAD
Independence Day ¹	DAD	MOM
Labor Day Weekend	MOM	DAD
Nevada Admission Day Weekend	DAD	MOM

¹ Independence Day will include the weekend if the holiday occurs on a Friday, Saturday, Sunday or Monday of any given year. In the event the holiday occurs on Tuesday, Wednesday or Thursday, it will be treated as a one day holiday and shall begin at 9:00 a.m. on July 3rd and continue until July 5th at 9:00 a.m.

	<u>Odd Year</u>	<u>Even Year</u>
Halloween Day ²	DAD	MOM
Veterans' Day Weekend ³	MOM	DAD

Birthdays

The parents will share birthdays based on the schedule set forth below. The birthday schedule will begin after school on the birthday (or if school is not in session, at 9:00 a.m.) and continue until the morning following the birthday at 9:00 a.m., or when school begins, at the first morning bell, if school is in session, when the regular residential schedule will resume. The designated parent shall be entitled to have ALL of the parties' children in his/her care during the birthday period.

	<u>Odd Year</u>	<u>Even Year</u>
Children's Birthdays	MOM	DAD

Easter/Spring Break

The parents will share the Easter/Spring Break based on the following schedule, with the holiday period to begin upon the release of school for the holiday period and continue until school resumes following the Spring Break at the first morning bell.

	<u>Odd Year</u>	<u>Even Year</u>
Easter/Spring Break	DAD	MOM

Thanksgiving

The parents will share the Thanksgiving Break based on the following schedule, with the holiday period to begin upon the release of school before Thanksgiving and shall continue until school resumes following the holiday.

	<u>Odd Year</u>	<u>Even Year</u>
Thanksgiving Break	MOM	DAD

Winter Break

The Winter Break holiday period will be divided into two segments based on the school calendar. Specifically, the first segment will begin on the day the

² Halloween will be celebrated as a one day holiday, beginning upon the release of school, or 9:00 a.m., if school is not in session, and continuing until the next morning when school resumes or 9:00 a.m., if school is not in session.

³ Veterans' Day will include the weekend if it is attached to a weekend holiday period. In the event the holiday is celebrated as a one-day holiday by the school district, it shall begin at 9:00 a.m. on November 11th and continue until November 12th at 9:00 a.m. In the event the school district does not provide a release from school for Veterans' Day, neither party shall be entitled to a variance from the regular timeshare for this holiday period.

1 school calendar releases for the break and shall continue until December 26th at
2 12:00 p.m. (noon), when the other parent's timeshare shall begin, to continue
3 until school resumes following the Winter Break.

	<u>Odd Year</u>	<u>Even Year</u>
4 First Segment/Christmas	DAD	MOM
5 Second Segment/New Year's	MOM	DAD

6 ***Religious Holidays***

7 When parents do not share the same religious beliefs, each parent shall have
8 the right to provide religious instruction of their choosing to the child(ren).
9 When both parents are of the same faith, both parents shall have the
10 opportunity to enjoy the right to celebrate a religious holiday with the
11 child(ren) on an alternating year basis. The following sample religious holiday
12 schedules are intended to provide examples of shared holiday schedules for
13 religious holidays and apply *only if* one or both parents have traditionally
14 celebrated such holidays with the parties' child(ren):

15 ***Sample Jewish Holiday***

16 The following holidays begin upon the release of school before the holiday
17 period, or if school is not in session at 3:00 p.m., and continue as designated
18 until school resumes the day after the holiday period, or if school is not in
19 session at 9:00 a.m.:

	<u>Odd Year</u>	<u>Even Year</u>
20 Passover [1 st two nights]	DAD	MOM
21 Rosh Hashanah [2 day holiday]	MOM	DAD
22 Yom Kippur [One day holiday]	DAD	MOM
23 Purim [One day holiday]	MOM	DAD
24 Sukkot [1 st two nights]	DAD	MOM
25 Hanukkah [1 st two nights]	MOM	DAD

26
27
28

Sample Baha'i Holy Days and Commemorative Days

The following holidays, when work is to be suspended, begin upon the release of school before the holiday period, or if school is not in session at 3:00 p.m., and continue as designated until school resumes the day after the holiday period, or if school is not in session at 9:00 a.m.:

	<u>Odd Year</u>	<u>Even Year</u>
Naw-Ruz March 21	DAD	MOM
Festival of Ridvan April 21	MOM	DAD
Declaration of the Bab May 23	DAD	MOM
Ascension of Baha'u'llah May 29	MOM	DAD
Martyrdom of Bab July 9	DAD	MOM
Birth of the Bab October 20	MOM	DAD
Birth of Baha'u'llah November 12	DAD	MOM

Summer/Track Vacation

Each parent shall have on fourteen (14) day uninterrupted summer timeshare with the child(ren) per year during the period of summer or track release for the Clark County School District. The fourteen (14) day period may not be added to regular timeshare dates to extend a parent's summer vacation beyond fourteen (14) days without the written consent of the other party.

The parent with selection priority shall provide notice of his/her summer vacation dates in writing via email by March 1st with the other parent providing notice of her/his summer vacation dates in writing via email by March 15th. Track vacation dates must be designated at least thirty (30) days before the track break begins. Failure to provide notice of summer/track vacation dates by deadline provided shall constitute a waiver of priority and the other party shall have the right to provide written notice of his/her summer/track vacations dates, which shall take precedence for that year only. If a party does not provide written notice of his or her vacation dates by May 1st, that party shall have waived his/her right to exercise a vacation period for that year only.

	<u>Odd Year</u>	<u>Even Year</u>
Vacation Selection Priority	DAD	MOM

1 ***Year-Round School***

2 In the event the parties' child(ren) attend year round school, the regular
3 timeshare shall continue during all track breaks unless: (1) either party has
4 designated a vacation period, as set forth above, or (2) otherwise agreed in a
writing signed by both parties.

5 ***In-Service/Professional Development Days***

6 Undesignated school holidays shall follow the parties' regular timeshare
7 schedule. However, in the event an in-service day is attached to a weekend or
8 other holiday period, the undesignated holiday shall attach to the weekend or
9 other holiday period and the parent assigned the weekend or holiday period
(including any undesignated period) until school resumes following the
weekend or other holiday period, at the first morning bell.

10 ***Transportation***

11 The receiving parent shall be responsible for providing transportation, unless
12 otherwise ordered by the Court.

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Brian Lee Whittle, Plaintiff.

CASE NO: D-19-591074-C

7 vs.

DEPT. NO. Department I

8 Raven Morris, Defendant.
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District
12 Court. The foregoing Decision and Order was served via the court's electronic eFile system
13 to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 3/1/2021

15 Kenneth Robbins, Esq.

FamilyFirst@HalfPriceLawyers.com

16 Brian Whittle

Whittle.bw@gmail.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint**COURT MINUTES**

October 03, 2019

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

October 03, 2019 11:00 AM All Pending Motions

HEARD BY: Gibson, David, Jr.**COURTROOM:** Courtroom 06**COURT CLERK:** April Graham**PARTIES:**

Aeyani Morris, Subject Minor, not present
Brian Whittle, Plaintiff, Counter Defendant, Pro Se
present
Raven Morris, Defendant, Counter Claimant, Pro Se
not present

JOURNAL ENTRIES

- RETURN HEARING FROM FAMILY MEDIATION CENTER... CASE MANAGEMENT
CONFERENCE... PLAINTIFF'S MOTION AND NOTICE OF MOTION FOR ORDERS FOR
TEMPORARY CUSTODY, VISITATION, AND/OR CHILD SUPPORT

Court noted Plaintiff (Dad) filed a motion that is currently set for 11/6/19, service was properly effectuate on Defendant (Mom) and Mom had adequate notice of today's hearing. Court further noted Mom failed to appear and participate in today's hearing. Court further noted Dad is requesting joint legal and joint physical custody, the parties did not reach an agreement at mediation, Mom has not filed an opposition to Dad's motion and Mom's pleadings admit that Dad is the father of the minor child.

COURT ORDERED as follows:

Matter is set for an EVIDENTIARY HEARING on 3/5/20 at 1:30 PM (half day; stack 1). A
CALENDAR CALL is set for 2/18/20 at 11:00 AM. Court will issue a scheduling order.

PRINT DATE:	05/11/2021	Page 1 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Dad's Motion and Notice of Motion for Orders for Temporary Custody, Visitation, and/or Child Support set for 11/6/19 at 10:00 AM is RESET to be heard in conjunction with today's matters. Further, Dad's Motion is GRANTED. The parties shall have TEMPORARY JOINT LEGAL CUSTODY and JOINT PHYSICAL CUSTODY of the minor children as outlined in his motion.

Dad name shall be added to the minor child's birth certificate.

Dad shall prepare the Order granting his Motion and he shall prepare an Order adding himself to the minor child's birth certificate.

INTERIM CONDITIONS:

FUTURE HEARINGS: Feb 18, 2020 11:00AM Calendar Call
Courtroom 06 Gibson, David, Jr.

PRINT DATE:	05/11/2021	Page 2 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint**COURT MINUTES**

February 18, 2020

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

February 18, 2020 11:00 AM All Pending Motions

HEARD BY: Gibson, David, Jr.**COURTROOM:** Courtroom 06**COURT CLERK:** April Graham**PARTIES:**

Aeyani Morris, Subject Minor, not present
 Brian Whittle, Plaintiff, Counter Defendant, Pro Se
 present
 Kenneth Robbins, Unbundled Attorney,
 present
 Raven Morris, Defendant, Counter Claimant, Pro Se
 present

JOURNAL ENTRIES

- CALENDAR CALL... DEFENDANT'S MOTION TO SET ASIDE ORDER FOR CUSTODY;
 ATTORNEY'S FEES AND RELATED RELIEF... DEFENDANT'S OPPOSITION AND
 COUNTERMOTION... DEFENDANT'S NOTICE AND MOTION FOR CONTINUANCE

Court noted this matter is currently set for an Evidentiary Hearing on 3/5/20 at 1:30 PM (half day; stack 1), Defendant (Mom) filed a Motion for a Continuance that is currently set for 3/19/20 at 9:00 AM and a Motion to Set Aside Custody set for 2/25/20 at 9:00 AM. Court informed the parties it will address the pending motions today. Court noted the temporary orders give the parties joint legal and joint physical custody giving Plaintiff (Dad) custody Sunday to Wednesday and Mom having Wednesday to Sunday. Court stated it will allow Mom an opportunity to file an opposition; however, it is likely to address it at the trial. Mr. Robbins advised an opposition has already been filed.

COURT ORDERED as follows:

PRINT DATE:	05/11/2021	Page 3 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Mom's Motions shall be RESET and heard in conjunction with today's hearing. Mom's Opposition and Countermotion is MOOT and shall be addressed at trial. Further, Mom's Motion for a Continuance is GRANTED. Today's CALENDAR CALL shall be CONTINUED to 5/28/20 at 11:00 AM and the EVIDENTIARY HEARING set for 3/5/20 at 1:30 PM (half day; stack 1) shall be CONTINUED to 6/8/20 at 9:00 AM (half day; stack 2). Discovery is RE-OPENED. Court will issue a new scheduling order. As Dad does not have an Attorney, Court encouraged him to seek assistance through the Self Help Center.

Parties shall maintain the STATUS QUO wherein they have TEMPORARY JOINT LEGAL CUSTODY and TEMPORARY JOINT PHYSICAL CUSTODY of the minor child.

Mr. Robbins shall prepare the Order from today's hearing.

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/11/2021	Page 4 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint**COURT MINUTES**

May 29, 2020

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

May 29, 2020 11:00 AM Calendar Call

HEARD BY: Hardcastle, Gerald W.**COURTROOM:** Courtroom 23**COURT CLERK:** April Graham;**PARTIES:**

Aeyani Morris, Subject Minor, not present
 Brian Whittle, Plaintiff, Counter Defendant, Pro Se
 present
 Kenneth Robbins, Unbundled Attorney,
 present
 Raven Morris, Defendant, Counter Claimant, Pro Se
 present

JOURNAL ENTRIES

- Defendant and Attorney Kenneth Robbins present via VIDEO CONFERENCE through the Blue Jeans application.

Court attempted to contact Plaintiff's attorney via telephone; however, there was no answer. Mr. Robbins advised Plaintiff retained counsel on 4/9/20 and requested the matter be continued as the parties are still conducting discovery. Mr. Robbins represented a Stipulation and Order to Continue was submitted to the Department. Matter TRAILED. Matter RECALLED. Matter TRAILED. Matter RECALLED. Matter TRAILED. Matter RECALLED.

COURT ORDERED, matter is CONTINUED to 7/23/20 at 11:00 AM and the Evidentiary Hearing set for 6/8/20 at 9:00 AM shall be RESET to 8/7/20 at 9:00 AM. Parties may physically appear for the Evidentiary Hearing so long as proper social distancing can be accommodated.

PRINT DATE:	05/11/2021	Page 5 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

Mr. Robbins shall prepare the Order from today's hearing.

CLERK'S NOTE: Following the hearing, the Law Clerk notified Plaintiff's counsel of the new hearing dates. (ag)

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/11/2021	Page 6 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

January 27, 2021

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

January 27, 2021 11:30 AM All Pending Motions

HEARD BY: Bailey, Sunny

COURTROOM: Courtroom 06

COURT CLERK: Tiffany Skaggs

PARTIES:

Aeyani Morris, Subject Minor, not present
Brian Whittle, Plaintiff, Counter Defendant, Pro Se
present
Kenneth Robbins, Unbundled Attorney, Kenneth Roberts, Attorney, present
present
Raven Morris, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- PLTF'S ATTY'S MOTION TO WITHDRAW AS COUNSEL OF RECORD...CALENDAR CALL

The Court, counsel and parties appeared via BLUEJEANS.

Attorney Robbins stated there are no objections, to Attorney Roberts withdrawing, as long as there are no continuances.

Court reviewed the history, of the case and pleadings on file.

Defendant stated the parties have been following the timeshare.

COURT ORDERED:

PRINT DATE:	05/11/2021	Page 7 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

1. Attorney Robert's MOTION shall be GRANTED.
2. Plaintiff and Attorney Robbins shall MEET and CONFER.
3. The EVIDENTIARY HEARING, currently SET, for 2/17/21, STANDS (half day).
4. The PRE TRIAL MEMORANDUM and EXHIBIT LISTS shall be DUE, by 2/10/21, by 5:00pm.
5. EXHIBITS shall be UPLOADED, to the FCEVIDENCE LINK, by 2/10/21.
6. WITNESS LIST shall be DISCLOSED and FILED, by 2/10/21.
7. ALL ORDERS STAND.
8. Parties shall FILE current FINANCIAL DISCLOSURE FORMS (FDF's), which INCLUDE their LAST three (3) PAY STUBS, by 2/10/21.

Attorney Roberts to prepare an Order to Withdraw

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/11/2021	Page 8 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Child Custody Complaint

COURT MINUTES

February 18, 2021

D-19-591074-C Brian Lee Whittle, Plaintiff.
vs.
Raven Morris, Defendant.

February 18, 2021 9:00 AM Evidentiary Hearing

HEARD BY: Bailey, Sunny

COURTROOM: Courtroom 06

COURT CLERK: Helen Green

PARTIES:

Aeyani Morris, Subject Minor, not present
Brian Whittle, Plaintiff, Counter Defendant, Pro Se
present
Raven Morris, Defendant, Counter Claimant, Pro Se
present

JOURNAL ENTRIES

- EVIDENTIARY HEARING: RE: CUSTODY

Plaintiff appeared by Bluejeans video IN PROPER PERSON.

Kenneth Robbins, Esq., #13572, appeared by Bluejeans video in an unbundled capacity for Defendant.

Defendant appeared by Bluejeans video IN PROPER PERSON.

Upon the Court's inquiry, counsel and Plaintiff both confirmed that paternity was not an issue. Discussion regarding the child's name being changed. Opening statements by counsel and Defendant.

The Court invoked the exclusionary rule.

Witnesses and Exhibits per worksheets.

PRINT DATE:	05/11/2021	Page 9 of 10	Minutes Date:	October 03, 2019
-------------	------------	--------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

COURT ORDERED:

Per STIPULATION, the child's name shall be changed to Aeyani Natalia Morris-Whittle. Plaintiff is responsible for filing and changing the name on the child's birth certificate.

Per STIPULATION, the parties shall have JOINT LEGAL CUSTODY.

Trina shall NOT have any part in exchanges or be allowed to be involved at all in parenting.

Parties shall electronically COMMUNICATE through TALKING PARENTS and shall sign up by TODAY. All communication shall be through Talking Parents and Trina shall NOT be involved.

Parties shall CONTINUE with the current CUSTODY schedule.

The Court directed Mr. Robbins to submit a Brunzell Affidavit and Memorandum of Fees and Costs leaving a blank in the order for the Court to enter an amount.

The NON-CUSTODIAL parent shall get one phone call from 7:00 PM to 7:15 PM (at least), unmonitored and private.

The Court took the matter UNDER ADVISEMENT and shall issue a written decision forthwith.

The Court set the matter on In Chamber's calendar for 03/03/2021.

Mr. Robbins shall prepare the Interim Orders from today's hearing.

CLERK'S NOTE: Relief was done at 12:43 pm for lunch coverage (Jamilé Vazquez). Minutes prepared by Helen Green and Jamile Vazquez (hg).

INTERIM CONDITIONS:

FUTURE HEARINGS:

PRINT DATE:	05/11/2021	Page 10 of 10	Minutes Date:	October 03, 2019
-------------	------------	---------------	---------------	------------------

Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

CASE NO. D-19-591074-C

Sheet 5-01/jh

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

AMENDED NOTICE OF APPEAL; DISTRICT COURT DOCKET ENTRIES;
DECISION AND ORDER; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT
MINUTES; EXHIBITS LIST

BRIAN LEE WHITTLE,

Plaintiff(s),

vs.

RAVEN MORRIS,

Defendant(s),

Case No: D-19-591074-C

Dept No: I

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 11 day of May 2021.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

