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Heather L. Smith
CLERK OF THE COURT

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AUG 02 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

FILING CODE: MOT

Your Name: Dustin Barral #1108615

Address: LCC

1200 Prison Rd Lovelock, NV 89419

Telephone: _____

Email Address: _____

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Dustin James Barral
Plaintiff,

vs.

Megan Elizabeth Johnson
Defendant.

CASE NO.: D-12-458737-Z

DEPT: W

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

☐ Yes. Hearing Date: _____

Hearing Time: _____

☒ No. Chambers Decision: _____

**MOTION AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, VISITATION,
AND/OR CHILD SUPPORT**

TO: Name of Opposing Party and Party's Attorney, if any, Megan Johnson

If a hearing was requested above, the hearing on this motion will be held on the date and
time above before the Eighth Judicial District Court-- Family Division located at:
(clerk will check one)

- ☐ The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada 89101.
☐ The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101.

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

Submitted By: Dustin Barral
☒ Plaintiff / ☐ Defendant

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Motion to Modify Custody

* You are responsible for knowing the law about your case. For more information on the law, this form, and free
classes, visit www.familylawselfhelpcenter.org or the Family Law Self Help Center at 601 N. Pecos Road. To find
an attorney, call the State Bar of Nevada at (702) 382-0504.

22-24212

RECEIVED

MAR 03 2022

CLERK OF THE COURT

MOTION

(Your name) Dustin Barreal moves this Court for an Order modifying child custody, visitation, and/or child support. (☒ check one)

- ☒ I tried to resolve this issue with the other party before filing this motion.
- ☐ I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because *(explain why you did not try to resolve this issue directly with the other party before filing this motion)*
-
-

Financial Disclosure Form ("FDF") Certification (☒ check one)

- ☐ I filed a FDF in the last 6 months and have no material changes to report.
- ☒ I understand that I must file my FDF within 3 days of filing this motion to support my request to modify child support. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.

POINTS AND AUTHORITIES LEGAL ARGUMENT

The court may modify or vacate its child custody order at any time. NRS 125C.0045.

Child custody may be modified only when "(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the modification would serve the child's best interest." Romano v Romano, 138 Nev. Adv. Op. 1 (2022).

In determining the best interest of the child, the court shall consider: a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody; b) Any nomination of a guardian for the child by a parent; c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent; d) The level of conflict between the parents; e) The ability of the parents to cooperate to meet the needs of the child; f) The mental and physical health of the parents; g) The physical, developmental and emotional needs of the child; h) The nature of the relationship of the child with each parent; i) The ability of the child to maintain a relationship with any sibling; j) Any history of parental abuse or neglect of the child or a sibling of the child; k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child; and l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. NRS 125C.0035.

A child support order must be reviewed by the court every three years upon request of a parent or guardian. A child support order may be reviewed at any time on the basis of changed circumstances. A change in 20% or more in the gross monthly income of a person subject to a child support order shall be deemed changed circumstances. NRS 125B.145.

FACTS AND ARGUMENT

A. Request to Modify Child Custody and/or Visitation

1. **Current Custody Order.** The current custody order was filed on (date) 2/9/12.

2. **Legal Custody.** This refers to the ability to make major decisions about the child, such as medical care, education, and religious upbringing.

Do you want to change legal custody? (☒ check one)

☒ No, legal custody should not be changed. (STOP. Go to Section 3)

☐ Yes, legal custody should be changed. Listed below are the current legal custody order and the legal custody order I would like the Court to order.

Child's Name:	Date of Birth	I Have Now: <input checked="" type="checkbox"/> check one	I Would Like: <input checked="" type="checkbox"/> check one
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody
		<input type="checkbox"/> No legal custody <input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody	<input type="checkbox"/> Joint legal custody <input type="checkbox"/> Sole legal custody

a. It is in the best interest of the child(ren) to change legal custody because (explain):

3. **Physical Custody.** *This refers to the amount of time the child spends with each parent.*

Do you want to change physical custody? (☒ check one)

☒ No, physical custody should not be changed. (*STOP. Go to Section 4*)

☐ Yes, physical custody should be changed. Listed below are the current physical custody order and the physical custody order I would like the Court to order.

Child's Name:	Date of Birth	I Have Now: <input checked="" type="checkbox"/> check one	I Would Like: <input checked="" type="checkbox"/> check one
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody
		<input type="checkbox"/> No visitation <input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody	<input type="checkbox"/> Visitation only <input type="checkbox"/> Joint physical custody <input type="checkbox"/> Primary physical custody <input type="checkbox"/> Sole physical custody

a. **Substantial Change in Circumstances Affecting the Child(ren).** Since the last custody order, there has been a substantial change in circumstances affecting the welfare of the child(ren). (*explain major changes since the last order and how they affect the kids*):

b. **Best interest.** It is in the best interest of the child(ren) to change physical custody because:

4. **Visitation.** (☒ check all that apply)

☒ Visitation should not be changed. (*STOP. Go to Section B*)

☐ The regular visitation / timeshare should be changed. My proposed new visitation / timeshare schedule is attached as Exhibit 1.

☐ The holiday schedule should be changed. My proposed new holiday schedule is attached as Exhibit 1.

It is in the best interest of the child(ren) to modify visitation because (*explain*):

B. Request to Modify Child Support

☐ Not Applicable (☒ check if not applicable, and go to section C)

5. Current Child Support Order. (☒ check one)

(Name of parent ^(2 words) ordered to pay child support) Dustin Barnd is
ordered to pay \$ 1400.00 per month in child support. I want this order modified.

6. Public Assistance. (☒ check one)

☒ I have never received Temporary Assistance for Needy Families (TANF).

☐ I am now or have received Temporary Assistance for Needy Families (TANF) in the past.

7. Parties' Income.

My gross monthly income is (insert amount): \$ 0 / OR ☐ unknown.

The other parent's gross monthly income is (insert amount): \$ _____ / OR ☒ unknown.

8. Reason for Modification. I want child support changed because: (☒ check all that apply)

☐ Child support should be reset based on the change in custody I am requesting.

☒ The gross monthly income of the person paying child support has changed by more than
20% since the last child support order was entered.

☒ It has been more than three years since child support was last reviewed.

☐ The following child(ren) has/have emancipated (write child's name(s)):

☐ The parties are not following the custodial schedule on which child support was based;

(explain the custodial schedule you have been following): _____

It is in the children's best interest to modify child support because (tell the judge why it is in
the children's best interest to change child support): _____

9. Amount Requested. (☒ check one)

☐ Child support should be modified so that (name of person who should pay child support) _____ pays (amount) \$ _____ per month in child support.

☐ I'm not sure how much child support should be paid. The judge should set child support.

☒ Other (explain how much child support should be ordered and how you came up with the amount of child support):

Since I've been incarcerated since 5/31/13 I have no income. Child Support should be set at \$0 and backdated to 5/31/13. Upon release it should be \$100 a month until employment is secured and I can pay the required 25% of my income. Date is September of 2023.

10. Child Care. Are there child care expenses? (☒ check one)

☒ No, there are no child care costs for either parent.

☐ Yes, the monthly child care costs for the child(ren) are: \$ _____. This amount should be paid by ☐ me only ☐ the other parent only ☐ both parents equally.

11. Medical Coverage. Medical support (medical, vision, and/or dental) must be provided for the child(ren). How should the children get medical support/insurance? (☒ check one)

☐ Medicaid.

☒ Private / Employer Insurance. The monthly premium should be paid by ☐ me only

☒ the other parent only ☐ both parents equally.

☐ Other: _____

C. Other Relief

12. In addition to the relief requested above, I would like the Court to also order the following:

(Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.) I have been incarcerated since 5/31/13 and have no income. I work in the culinary and earn \$30/month now. After deductions I get around \$20. I've sent Morgan Johnson 25% of this earnings. Unfortunately paying jobs can be lost at any time due to work ups or other bad moves, so it is not a guarantee that I'll always have a paying job.

I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED February 28th, 2022.

Submitted By: (your signature) 
(print your name) Dustin Barred

**DECLARATION IN SUPPORT OF MOTION TO MODIFY CHILD CUSTODY,
VISITATION, AND/OR CHILD SUPPORT**

- a. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
- b. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

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

DATED February 28th, 2022.

Submitted By: (your signature) 
(print your name) Dustin Barred