

Electronically Filed
03/07/2023

Heather S. Lemin

CLERK OF THE COURT

Electronically Filed
Mar 10 2023 10:04 AM
Elizabeth A. Brown
Clerk of Supreme Court

Case No. D-12-458737-2

Dept. No. W

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CLARK

* * * * *

Dustin Barzal,)
Plaintiff,)
-vs-)
Megan Johnson)
Defendant__)

NOTICE OF APPEAL

NOTICE IS GIVEN that Plaintiff, Dustin Barzal,
in pro se, hereby appeals to the Nevada Supreme Court the
Notice of Entry of Order for Motion to Modify Child Visitation,
as filed/entered on the 1 day of February, 2023,
(complete if applicable) and the _____
_____, as filed/entered on the _____ day of _____,
20____, in the above-entitled Court.

Dated this 13 day of February, 2023.

Dustin Barzal # 1108615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaintiff In Pro Se

LCC LL FORM 26.062

1
2 CERTIFICATE OF SERVICE

3 I do certify that I mailed a true and correct copy of the
4 foregoing NOTICE OF APPEAL to the below address(es) on this
5 13 day of February, 2023, by placing same in the
6 U.S. Mail via ~~prison law library staff~~:

7 Megan Johnson
8 4478 E. Quail Ave
9 LV, NV 89120
10
11
12
13
14
15
16

17 Dustin Barral #1108615
18 Lovelock Correctional Center
19 1200 Prison Road
20 Lovelock, Nevada 89419

21 Plaintiff In Pro Se

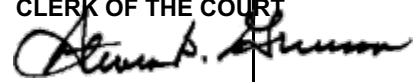
22 AFFIRMATION PURSUANT TO NRS 239B.030

23 The undersigned does hereby affirm that the preceding
24 NOTICE OF APPEAL filed in District Court Case No. D-12-458737-2
25 does not contain the social security number of any person.

26 Dated this 13 day of February, 2023.

27 Dustin Barral
28 Dustin Barral

Plaintiff In Pro Se



ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

In the Matter of the Joint Petition for Divorce of:

MEGAN ELIZABETH BARRAL nka MEGAN
ELIZABETH HAMMONDS AND DUSTIN
JAMES BARRAL,

Petitioner(s)

Case No: D-12-458737-A

Dept No: W

CASE APPEAL STATEMENT

1. Appellant(s): Dustin Barral

2. Judge: Stacy M. Rocheleau

3. Appellant(s): Dustin Barral

Counsel:

Dustin Barral #1108615
1200 Prison Rd.
Lovelock, NV 89419

4. Respondent (s): Megan Elizabeth Barral nka Megan Elizabeth Hammons

Counsel:

Megan Elizabeth Barral
4478 E. Quail Ave.
Las Vegas, NV 89120

5. Appellant(s)'s Attorney Licensed in Nevada: N/A

1 Permission Granted: N/A

2 Respondent(s)'s Attorney Licensed in Nevada: N/A
3 Permission Granted: N/A

4 6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

5 7. Appellant Represented by Appointed Counsel On Appeal: N/A

6 8. Appellant Granted Leave to Proceed in Forma Pauperis: Yes, December 26, 2022

7 Appellant Filed Application to Proceed in Forma Pauperis: N/A
8 Date Application(s) filed: N/A

9 9. Date Commenced in District Court: February 9, 2012

10 10. Brief Description of the Nature of the Action: DOMESTIC - Marriage Dissolution

11 Type of Judgment or Order Being Appealed: Misc. Order

12 11. Previous Appeal: Yes

13 Supreme Court Docket Number(s): 84721

14 12. Case involves Child Custody and/or Visitation: Custody
15 Appeal involves Child Custody and/or Visitation: Custody and Visitation

16 13. Possibility of Settlement: Unknown

17 Dated This 9 day of March 2023.

18 Steven D. Grierson, Clerk of the Court








19
20 /s/ Heather Ungermann
21 Heather Ungermann, Deputy Clerk
22 200 Lewis Ave
23 PO Box 551601
24 Las Vegas, Nevada 89155-1601
25 (702) 671-0512

26
27
28 cc: Dustin Barral

CASE SUMMARY**CASE NO. D-12-458737-Z****In the Matter of the Joint Petition for Divorce of:
Megan Elizabeth Barral and Dustin James Barral**§
§
§
§Location: **Department W**
Judicial Officer: **Rocheleau, Stacy M.**
Filed on: **02/09/2012**
Case Number History:**CASE INFORMATION****Statistical Closures**02/01/2023 Settled/Withdrawn With Judicial Conference or Hearing
04/29/2022 Settled/Withdrawn Without Judicial Conference or Hearing
03/29/2012 Decision without Trial / HearingCase Type: **Divorce - Joint Petition**
Subtype: **Joint Petition Subject Minor(s)**
Case Status: **02/01/2023 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number D-12-458737-Z
Court Department W
Date Assigned 01/04/2021
Judicial Officer Rocheleau, Stacy M.**PARTY INFORMATION**



















Petitioner	Barral, Dustin James	Pro Se 702-556-9316(H)
	Barral, Megan Elizabeth	Pro Se 702-741-2648(H)
Subject Minor	Barral, Joshua	
	Barral, Levi	

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

03/09/2023	 Case Appeal Statement <i>Case Appeal Statement</i>
03/07/2023	 Notice of Appeal <i>[45]</i>
02/02/2023	 Notice of Entry of Order <i>[44] Notice of Entry of Order</i>
02/01/2023	 Order <i>[43] Order</i>
01/30/2023	 Motion for Judgment Filed By: Petitioner Barral, Dustin James <i>[42] Motion for Default Judgment</i>
01/30/2023	 Notice of Motion Filed By: Petitioner Barral, Dustin James <i>[41] Notice of Motion for Default Judgment</i>
01/30/2023	 Reply to Opposition Filed by: Petitioner Barral, Dustin James <i>[40] Response to Opposition to Motion and Notice of Motion to Modify Child Custody Visitation and/or Child Support</i>
















CASE SUMMARY

CASE NO. D-12-458737-Z

01/05/2023	 Opposition Filed By: Petitioner Barral, Megan Elizabeth <i>[39] Opposition to Motion to Modify Child Custody, Visitation, and/or Child Support</i>
12/28/2022	 Affidavit Filed By: Petitioner Barral, Dustin James <i>[38] Affidavit of Susan Zupancic In Support of Dustin Barral's Motion to Modify Child Custody</i>
12/26/2022	 Order to Proceed In Forma Pauperis <i>[37] Order to Proceed in Forma Pauperis</i>
12/22/2022	 Certificate Filed By: Petitioner Barral, Dustin James <i>[36] Certificate of Inmate's Institutional Account</i>
12/22/2022	 Application to Proceed in Forma Pauperis Filed By: Petitioner Barral, Dustin James <i>[34]</i>
12/22/2022	 Financial Disclosure Form Filed by: Petitioner Barral, Dustin James <i>[33] General Financial Disclosure Form</i>
12/22/2022	 Exhibits Filed By: Petitioner Barral, Dustin James <i>[35] Index of Exhibits in Support of Motion and Notice of Motion to Modify Child Custody, Visitation and / or Child Support</i>
12/22/2022	 Motion Filed By: Petitioner Barral, Dustin James <i>[32] Motion and Notice of Motion to Modify Child Custody, Visitation, and/or Child Support.</i>
10/22/2022	 Miscellaneous Filing <i>[31] Miscellaneous Filing</i>
10/19/2022	 Application to Proceed in Forma Pauperis Filed By: Petitioner Barral, Dustin James <i>[30] Application to Proceed in Forma Pauperis</i>
08/31/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[29] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>
08/18/2022	 Order <i>[28] Order to Produce Transcripts</i>
08/17/2022	 Clerk's Notice of Nonconforming Document <i>[27] Clerks Notice of Nonconforming Document</i>
08/17/2022	 Motion Filed By: Petitioner Barral, Dustin James <i>[26] Motion for Production of Transcripts at State Expense</i>
08/17/2022	 Motion Filed By: Petitioner Barral, Dustin James <i>[25] **Unsigned Order*** Motion for Production of Transcripts at State Expense</i>
06/28/2022	 Order to Proceed In Forma Pauperis <i>[24] Order to Proceed in Forma Pauperis</i>
06/22/2022	 Application to Proceed in Forma Pauperis Filed By: Petitioner Barral, Dustin James <i>[23] Application to Proceed in Forma Pauperis</i>
05/13/2022	 Case Appeal Statement


CASE SUMMARY

CASE NO. D-12-458737-Z

	<i>[22] Case Appeal Statement</i>
05/11/2022	 Notice of Appeal Filed By: Petitioner Barral, Dustin James <i>[21] Notice of Appeal</i>
04/29/2022	 Domestic Notice to Statistically Close Case <i>[20] Domestic Notice to Statistically Close Case</i>
04/18/2022	 Notice of Entry of Order <i>[19] Notice of Entry of Order from Minute Order</i>
04/14/2022	 Order <i>[18] Order from Minute Order</i>
04/13/2022	 Response <i>[17] Response To Reply to Opposition to Motion and Notice of Motion To Modify Child Custody, Visitation and/or Child Support</i>
04/01/2022	 Reply Filed By: Petitioner Barral, Megan Elizabeth <i>[16] Reply to Response to Opposition to Motion and Notice of Motion to Modify Child Custody, Visitation, and/or Child Support</i>
03/29/2022	 Response Filed By: Petitioner Barral, Dustin James <i>[15] Response to Opposition to Motion and Notice of Motin to Modify Child Custody, Visitation and/or Child Support</i>
03/15/2022	 Notice of Hearing <i>[14] Notice of Hearing</i>
03/14/2022	 Financial Disclosure Form Filed by: Petitioner Barral, Megan Elizabeth <i>[13] fdf</i>
03/14/2022	 Family Court Motion Opposition Fee Information Sheet Filed by: Petitioner Barral, Megan Elizabeth <i>[12] Motion/Opposition Fee Information Sheet</i>
03/14/2022	 Opposition Filed By: Petitioner Barral, Megan Elizabeth <i>[11] Opposition to Motion to Modify</i>
03/14/2022	 Financial Disclosure Form Filed by: Petitioner Barral, Dustin James <i>[10] General Financial Disclosure Form</i>
03/14/2022	 Motion Filed By: Petitioner Barral, Dustin James <i>[9] Motion to Modify Child Custody, Visitation and Child Support</i>
01/04/2021	Administrative Reassignment to Department W <i>Case Reassignment - Judicial Officer Stacy M. Rocheleau</i>
01/05/2015	Judicial Elections 2014 - Case Reassignment <i>Family Court Judicial Officer Reassignment 2014</i>
03/29/2012	 Decree of Divorce Filed by: Petitioner Barral, Megan Elizabeth <i>[7] Decree of Divorce</i>
03/28/2012	 Child Support and Welfare Party Identification Sheet Filed by: Petitioner Barral, Dustin James; Petitioner Barral, Megan Elizabeth; Subject Minor Barral, Levi; Subject Minor Barral, Joshua <i>[6]</i>

CASE SUMMARY


CASE NO. D-12-458737-Z


03/26/2012  Notice of Seminar Completion EDCR 5.07
Filed by: Petitioner Barral, Megan Elizabeth
[3] Notice of Seminar Completion EDCR 5.07

03/26/2012  Affidavit of Resident Witness
Filed by: Petitioner Barral, Megan Elizabeth
[2] Affidavit of Resident Witness

03/26/2012  Child Support and Welfare Party Identification Sheet
Filed by: Petitioner Barral, Megan Elizabeth
[5]

03/26/2012  Notice of Seminar Completion EDCR 5.07
Filed by: Petitioner Barral, Megan Elizabeth
[4] Notice of Seminar Completion EDCR 5.07

02/09/2012  Joint Petition for Summary Decree of Divorce
Filed by: Petitioner Barral, Megan Elizabeth
[1]

01/10/2012  Application to Proceed in Forma Pauperis
Filed By: Petitioner Barral, Megan Elizabeth
[8]

HEARINGS

03/16/2023 **CANCELED Motion for Judgment** (10:00 AM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated - per Order
Motion for Default Judgment

02/02/2023 **CANCELED Opposition** (3:00 AM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated - per Order
Opposition to Motion to Modify Child Custody, Visitation, and/or Child Support


02/02/2023 **CANCELED Motion** (3:00 AM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated - per Order
Motion and Notice of Motion to Modify Child Custody, Visitation, and/or Child Support.

04/19/2022 **CANCELED Opposition** (1:30 PM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated
Reply to Response to Opposition to Motion and Notice of Motion to Modify Child Custody, Visitation, and/or Child Support

04/19/2022 **CANCELED Hearing** (1:30 PM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated
Response to Opposition to Motion and Notice of Motion to Modify Child Custody, Visitation and/or Child Support

04/19/2022 **CANCELED Opposition** (1:30 PM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated
Opposition to Motion to Modify

04/19/2022 **CANCELED Motion** (1:30 PM) (Judicial Officer: Rocheleau, Stacy M.)
Vacated
Motion to Modify Child Custody, Visitation and Child Support

04/06/2022  **Minute Order** (11:00 AM) (Judicial Officer: Rocheleau, Stacy M.)
Minute Order - No Hearing Held;
Journal Entry Details:
MINUTE ORDER NO HEARING HELD Barral v. Barral D-12-458737-Z NRCP 1 and EDCR 1.10 state that the procedures in district court shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding, and to promote and facilitate the administration of justice. Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers. The Court having considered the Motion to Modify Child Custody, Visitation and/or Child Support filed March 14, 2022, (Motion) as well as the parties respective Financial Disclosure Forms, the Opposition to the Motion, the Response and the Reply, as well as the other pleadings and papers filed in this case, and good cause appearing, The Court FINDS the Decree of Divorce entered on March 29, 2012 (Decree) awarded Megan primary physical custody of the two minor children and set child support at 25% of Dustin s income at \$1,416 per month. The Court FINDS Megan has been supporting the minor children without any contribution from Dustin since at least May 2013. The Court FINDS three years have passed since the entry of the Decree and the parties

CASE SUMMARY

CASE NO. D-12-458737-Z

are entitled to a review of child support pursuant to NRS 125B.145. The Court FINDS pursuant to NRS 125B.140 payments for child support may not be retroactively modified or adjusted. The Court FINDS Dustin has been incarcerated since May 31, 2013 and is scheduled to be paroled in September 2023. Pursuant to his Financial Disclosure Form filed March 14, 2022 he has no income, however in his moving papers he represents he makes \$30.00 per month. After considering his Financial Disclosure Form and the representations in his Motion, the Court FINDS Dustin s earning capacity is \$30.00 per month. The Court FINDS this is more than a 20% change in his income since the entry of the Decree, which constitutes changed circumstances and modification of the current order for support is appropriate. The Court FINDS the 2022 Low Income Child Support Guidelines (Guidelines) for a payer with 2 children earning less than \$849 per month is 14.52% of their gross monthly income. Based upon these Guidelines, Dustin s child support obligation would be \$4.36 per month, however as Dustin s gross monthly income is below the lowest level set forth in the Guidelines the Court FINDS eliminating Dustin s child support obligation is appropriate. IT IS HEREBY ORDERED Dustin s Motion to Modify Child support is GRANTED. Dustin s obligation of child support shall be SUSPENDED commencing March 1, 2022. IT IS FURTHER ORDERED Dustin s request for sanctions is DENIED as he has not shown there is a basis pursuant to EDCR 7.60. IT IS FURTHER ORDERED Megan s request to reduce child support arrears to judgment is DENIED as the child support amount set forth on the Exhibit 1 Arrears Statement is not accurate. This denial is without prejudice and Megan may file a new motion and Schedule of Arrears for the Court s consideration. IT IS FURTHER ORDERED the hearing set on April 19, 2022 to be heard in Chambers shall be VACATED. IT IS SO ORDERED. ;

DATE

FINANCIAL INFORMATION

Petitioner Barral, Megan Elizabeth

Total Charges

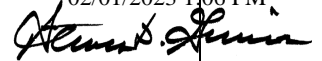
289.00

Total Payments and Credits

289.00

Balance Due as of 3/9/2023

0.00



CLERK OF THE COURT

ORDR

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In the Matter of the Joint Petition for Divorce
of: Megan Elizabeth Barral and Dustin James
Barral

CASE NO. D-12-458737-Z

DEPT. NO. W

ORDER

The Court having considered Defendant, Dustin Barral's Motion to Modify Child Custody, Visitation, and/or Child Support filed December 22, 2022, ("Motion") Plaintiff Megan Johnson's Opposition to the Motion, the Reply, and the Exhibits, as well as the other pleadings and papers filed in this case, and good cause appearing,

The Court FINDS Mr. Barral has been incarcerated since May 2013 and is scheduled to be paroled in September 2023 and seeks joint legal custody of the parties' two children at this time. Legal custody involves having basic legal responsibility for a child and making major decisions regarding the child, including the child's health, education, and religious upbringing. Joint legal custody requires that the parents be able to cooperate, communicate, and compromise to act in the best interest of the child. *Rivero v. Rivero*, 125 Nev. 410, 420, 216 P.3d 213, 221 (2009), citing *Mosley v. Figliuzzi*, 113 Nev. 51, 60-61, 930 P.2d 1110, 1116 (1997). In a joint legal custody situation, the parents must consult with each other to make major decisions regarding the child's upbringing. Given Mr. Barral's incarceration, Ms. Johnson is unable to communicate effectively with Mr. Barral to gain input on major decisions for the children. Further, Mr. Barral has not seen his sons since May 2013, when the children were 5 and 3, and they are now 15 and 13 and given his situation he does not have any understanding of their needs in which to have an informed conversation with Ms. Johnson regarding major decisions for the children. Retaining legal custody with Ms. Johnson at this

1 time does not impede on Mr. Barral's relationship with the children, and his request can be re-
2 visited once Mr. Barral is paroled and has a more open line of communication and an
3 understanding of the needs of the children.

4 The Court FINDS although the last custodial order is the parties' Decree of Divorce
5 filed March 29, 2012, Mr. Barral's incarceration in May 2013 resulted in a de facto sole
6 physical custodial situation to Ms. Johnson. Mr. Barral now seeks letters, cards, gifts and phone
7 calls from the children as well as in-person visits in the prison visitation room 3 times per
8 year. Given that 10 years have passed since the children have seen Mr. Barral, and the young
9 ages of the children the last time they saw him, it is not in the children's best interest to see
10 their father for the first time in 10 years at the prison. The impact of re-introducing him into
11 their lives may be emotionally challenging, and a prison visitation room would not be the best
12 location to hold these visits. Additionally, Ms. Johnson indicates that the younger son, Joshua,
13 being only three when his father went to prison, has no memory of him. Levi knows his father
14 is in prison, but given the passage of 10 years' time, Mr. Barral is a stranger to them both. To
15 ask the children to accept letters, cards, gifts and phone calls could be confusing and
16 emotionally damaging without the help of a trained mental health professional.

17 The Court FINDS Mr. Barral understands a period of reunification will have to occur
18 and a plan for reunification must be established that slowly allows for a relationship with him
19 and his sons. As the change in circumstance he cites (his parole) has not yet occurred Mr.
20 Barral's Motion is premature.

21 The Court FINDS Mr. Barral seeks grandparent visitation for his mother, Susan
22 Zupancic. Non-parent's rights (i.e. grandparent's rights) are afforded by NRS 125C.050 and
23 must be sought via Petition filed under that statute, and cannot be awarded in this case.

24 The Court FINDS on January 30, 2023 Mr. Barral filed a Motion for Default Judgment
25 asking the Court to rule in his favor on his Motion due to Ms. Johnson's failure to oppose or
26 otherwise respond to his Motion within 14 days. Ms. Johnson filed an untimely response on
27

1 January 5, 2023. This Court is REQUIRED to uphold the policy in Nevada of deciding a case
2 on the merits whenever possible (*Moseley v. Eighth Judicial Dist. Court*, 124 Nev. 654, 188
3 P.3d 1136 (2008)), especially when the action involves child custody (*Dagher v. Dagher*, 103
4 Nev. 26, 731 P.2d 1329 (1987)). As cases should be disposed of on the merits, rather than with
5 strict regard to technical rules of procedure, the Court accepts Ms. Johnson's late filing.

6 Therefore, and good cause appearing,

7 **IT IS HEREBY ORDERED** Defendant's Motion to Modify Child Custody, Visitation,
8 and/or Child Support filed December 22, 2022 is DENIED and the hearing set on February 2,
9 2023 to be heard in Chambers shall be VACATED.

10 **IT IS FURTHER ORDERED** Defendant's Motion for Default Judgment is DENIED
11 and the hearing set on March 16, 2023 at 10:00 a.m. shall be VACATED.

12 **STATUTORY AND ADMINISTRATIVE NOTICES**

13 **Concerning Child Custody or Child Support**

14 *Approved by Presiding Judge Pursuant to EDCR 5.707*

15
16 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.0045(6):

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

28 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.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:

1 If a parent of the child lives in a foreign country or has significant
2 commitments in a foreign country:

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

7 (b) Upon motion of one of the parties, the court may order the parent to
8 post a bond if the court determines that the parent poses an imminent risk of
9 wrongfully removing or concealing the child outside the country of habitual
10 residence. The bond

11 must be in an amount determined by the court and may be used only to pay for
12 the cost of locating the child and returning the child to his or her habitual
13 residence if the child is wrongfully removed from or concealed outside the
14 country of habitual residence. The fact that a parent has significant commitments
15 in a foreign country does not create a presumption that the parent poses an
16 imminent risk of wrongfully removing or concealing the child.

17 **NOTICE IS HEREBY GIVEN** that, pursuant to NRS 125C.006:

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

25 (a) Attempt to obtain the written consent of the noncustodial
26 parent to relocate with the child; and

27 (b) If the noncustodial parent refuses to give that consent, petition
28 the court for permission to relocate with the child.

29 2. The court may award reasonable attorney's fees and costs to the
30 custodial parent if the court finds that the noncustodial parent refused to consent
31 to the custodial parent's relocation with the child:

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

33 (b) For the purpose of harassing the custodial parent.

34 3. A parent who relocates with a child pursuant to this section without
35 the written consent of the noncustodial parent or the permission of the court is
36 subject to the provisions of NRS 200.359.

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

38 1. If JOINT PHYSICAL CUSTODY has been established pursuant to an
39 order, judgment or decree of a court and one parent intends to relocate his or her
40 residence to a place outside of this State or to a place within this State that is at
41 such a distance that would substantially impair the ability of the other parent to
42 maintain a meaningful relationship with the child, and the relocating parent
43 desires to take the child with him or her, the relocating parent shall, before
44 relocating:

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

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

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

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

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

7 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.

8 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.010(1)(b), for purposes of
9 visitation rights of a child, the State of Nevada or the state where the child resides within the
10 United States of America is the habitual residence of the child.

11 **NOTICE IS HEREBY GIVEN** that the parent having the child support obligation is subject to
12 NAC 425.025 and NRS 31A.010 through 31A.350, inclusive, regarding the immediate
13 withholding or assignment of wages, commissions or bonuses for payment of child support,
14 whether current or delinquent.

15 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145 and NAC 425.170, either
16 party may request that the Court review the child support obligation every three years or upon
17 changed circumstances.

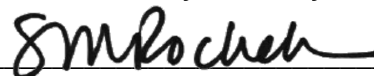
18 **NOTICE IS HEREBY GIVEN** that pursuant to NAC 425.165 and NRS 425.620, if the order
19 pertains to more than one child and does not allocate a specific amount of the total child
20 support obligation to each child, and if you want to adjust the amount of child support
21 established in this order, you **MUST** file a motion to modify the order with or submit a
22 stipulation to the court. If a motion to modify the order is not filed or a stipulation is not
23 submitted, the child support obligation established in this order will continue until such time as
24 all children who are the subject of this order reach 18 years of age or, if the youngest child who
25 is subject to this order is still in high school when he or she reaches 18 years of age, when the
26 child graduates from high school or reaches 19 years of age, whichever comes first. Unless the

1 parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify
2 the order will be effective as of the date the motion was filed.

3 **NOTICE IS HEREBY GIVEN** that each party shall submit the information required in NRS
4 125B.055, NRS 125.130, and 125.230 on a separate form to the Court and the Welfare Division
5 of the Department of Human Resources within ten days from the date this Decree is filed. Such
6 information shall be maintained by the Clerk in a confidential manner and not part of the public
7 record. The parties shall update the information filed with the Court and the Welfare Division
8 of the Department of Human Resources within ten days should any of that information become
9 inaccurate.

10 **NOTICE IS HEREBY GIVEN** that you have an affirmative duty to update any changes in
11 your personal information by filing a Notice of Change of Address form. The form can be
12 found at the following link:
13 <https://www.familylawselfhelpcenter.org/images/forms/misc/address-change-pdf-fillable.pdf>

14
15 Dated this 1st day of February, 2023

16 

17 EFB 6F6 4B7D 8D9C
18 Stacy M. Rocheleau
19 District Court Judge
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Joint Petition
7 for Divorce of:

8 Megan Elizabeth Barral and
9 Dustin James Barral

CASE NO: D-12-458737-Z

DEPT. NO. Department W

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

Service Date: 2/1/2023

15 megan johnson

megan_kris@aol.com

16 barral barral

dustinbarral@yahoo.com

17
18 If indicated below, a copy of the above mentioned filings were also served by mail
19 via United States Postal Service, postage prepaid, to the parties listed below at their last
20 known addresses on 2/2/2023

21 Dustin Barral

#1108615

LCC

1200 Prison Rd

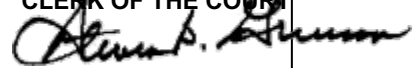
22 Lovelock, NV, 89419

23 Megan Barral

4478 E Quail AVE

24 Las Vegas, NV, 89120
25
26
27
28

DISTRICT COURT
CLARK COUNTY, NEVADA



In the Matter of the Joint Petition for Divorce
of: Megan Elizabeth Barral and Dustin James
Barral

Case: D-12-458737-Z

Department W

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that on February 1, 2023 an **ORDER** was entered in the
above-referenced matter. A copy of the same is attached hereto, and the following is a true
and correct copy thereof.

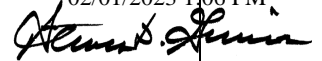
I hereby certify that on the above file-stamped date, I caused the foregoing Notice
to be served by: facsimile, by placing a copy in the attorney's folder in the Court clerk's
office, by e-service, by e-mailing or by mailing to:

Megan Elizabeth Barral
4478 E. Quail Ave.
Las Vegas, NV 89120
Megan_kris@aol.com

Dustin James Barral #1108615
LCC
1200 Prison Rd.
Lovelock, NV 89419

/s/ Britney Robinson

Britney Robinson
Judicial Executive Assistant
Department W



CLERK OF THE COURT

ORDR

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

In the Matter of the Joint Petition for Divorce
of: Megan Elizabeth Barral and Dustin James
Barral

CASE NO. D-12-458737-Z

DEPT. NO. W

ORDER

The Court having considered Defendant, Dustin Barral's Motion to Modify Child Custody, Visitation, and/or Child Support filed December 22, 2022, ("Motion") Plaintiff Megan Johnson's Opposition to the Motion, the Reply, and the Exhibits, as well as the other pleadings and papers filed in this case, and good cause appearing,

The Court FINDS Mr. Barral has been incarcerated since May 2013 and is scheduled to be paroled in September 2023 and seeks joint legal custody of the parties' two children at this time. Legal custody involves having basic legal responsibility for a child and making major decisions regarding the child, including the child's health, education, and religious upbringing. Joint legal custody requires that the parents be able to cooperate, communicate, and compromise to act in the best interest of the child. *Rivero v. Rivero*, 125 Nev. 410, 420, 216 P.3d 213, 221 (2009), citing *Mosley v. Figliuzzi*, 113 Nev. 51, 60-61, 930 P.2d 1110, 1116 (1997). In a joint legal custody situation, the parents must consult with each other to make major decisions regarding the child's upbringing. Given Mr. Barral's incarceration, Ms. Johnson is unable to communicate effectively with Mr. Barral to gain input on major decisions for the children. Further, Mr. Barral has not seen his sons since May 2013, when the children were 5 and 3, and they are now 15 and 13 and given his situation he does not have any understanding of their needs in which to have an informed conversation with Ms. Johnson regarding major decisions for the children. Retaining legal custody with Ms. Johnson at this

1 time does not impede on Mr. Barral's relationship with the children, and his request can be re-
2 visited once Mr. Barral is paroled and has a more open line of communication and an
3 understanding of the needs of the children.

4 The Court FINDS although the last custodial order is the parties' Decree of Divorce
5 filed March 29, 2012, Mr. Barral's incarceration in May 2013 resulted in a de facto sole
6 physical custodial situation to Ms. Johnson. Mr. Barral now seeks letters, cards, gifts and phone
7 calls from the children as well as in-person visits in the prison visitation room 3 times per
8 year. Given that 10 years have passed since the children have seen Mr. Barral, and the young
9 ages of the children the last time they saw him, it is not in the children's best interest to see
10 their father for the first time in 10 years at the prison. The impact of re-introducing him into
11 their lives may be emotionally challenging, and a prison visitation room would not be the best
12 location to hold these visits. Additionally, Ms. Johnson indicates that the younger son, Joshua,
13 being only three when his father went to prison, has no memory of him. Levi knows his father
14 is in prison, but given the passage of 10 years' time, Mr. Barral is a stranger to them both. To
15 ask the children to accept letters, cards, gifts and phone calls could be confusing and
16 emotionally damaging without the help of a trained mental health professional.

17 The Court FINDS Mr. Barral understands a period of reunification will have to occur
18 and a plan for reunification must be established that slowly allows for a relationship with him
19 and his sons. As the change in circumstance he cites (his parole) has not yet occurred Mr.
20 Barral's Motion is premature.

21 The Court FINDS Mr. Barral seeks grandparent visitation for his mother, Susan
22 Zupancic. Non-parent's rights (i.e. grandparent's rights) are afforded by NRS 125C.050 and
23 must be sought via Petition filed under that statute, and cannot be awarded in this case.

24 The Court FINDS on January 30, 2023 Mr. Barral filed a Motion for Default Judgment
25 asking the Court to rule in his favor on his Motion due to Ms. Johnson's failure to oppose or
26 otherwise respond to his Motion within 14 days. Ms. Johnson filed an untimely response on
27

1 January 5, 2023. This Court is REQUIRED to uphold the policy in Nevada of deciding a case
2 on the merits whenever possible (*Moseley v. Eighth Judicial Dist. Court*, 124 Nev. 654, 188
3 P.3d 1136 (2008)), especially when the action involves child custody (*Dagher v. Dagher*, 103
4 Nev. 26, 731 P.2d 1329 (1987)). As cases should be disposed of on the merits, rather than with
5 strict regard to technical rules of procedure, the Court accepts Ms. Johnson's late filing.

6 Therefore, and good cause appearing,

7 **IT IS HEREBY ORDERED** Defendant's Motion to Modify Child Custody, Visitation,
8 and/or Child Support filed December 22, 2022 is DENIED and the hearing set on February 2,
9 2023 to be heard in Chambers shall be VACATED.

10 **IT IS FURTHER ORDERED** Defendant's Motion for Default Judgment is DENIED
11 and the hearing set on March 16, 2023 at 10:00 a.m. shall be VACATED.

12 **STATUTORY AND ADMINISTRATIVE NOTICES**

13 **Concerning Child Custody or Child Support**

14 *Approved by Presiding Judge Pursuant to EDCR 5.707*

15
16 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.0045(6):

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

28 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.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:

1 If a parent of the child lives in a foreign country or has significant
2 commitments in a foreign country:

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

7 (b) Upon motion of one of the parties, the court may order the parent to
8 post a bond if the court determines that the parent poses an imminent risk of
9 wrongfully removing or concealing the child outside the country of habitual
10 residence. The bond

11 must be in an amount determined by the court and may be used only to pay for
12 the cost of locating the child and returning the child to his or her habitual
13 residence if the child is wrongfully removed from or concealed outside the
14 country of habitual residence. The fact that a parent has significant commitments
15 in a foreign country does not create a presumption that the parent poses an
16 imminent risk of wrongfully removing or concealing the child.

17 **NOTICE IS HEREBY GIVEN** that, pursuant to NRS 125C.006:

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

25 (a) Attempt to obtain the written consent of the noncustodial
26 parent to relocate with the child; and

27 (b) If the noncustodial parent refuses to give that consent, petition
28 the court for permission to relocate with the child.

29 2. The court may award reasonable attorney's fees and costs to the
30 custodial parent if the court finds that the noncustodial parent refused to consent
31 to the custodial parent's relocation with the child:

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

33 (b) For the purpose of harassing the custodial parent.

34 3. A parent who relocates with a child pursuant to this section without
35 the written consent of the noncustodial parent or the permission of the court is
36 subject to the provisions of NRS 200.359.

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

38 1. If JOINT PHYSICAL CUSTODY has been established pursuant to an
39 order, judgment or decree of a court and one parent intends to relocate his or her
40 residence to a place outside of this State or to a place within this State that is at
41 such a distance that would substantially impair the ability of the other parent to
42 maintain a meaningful relationship with the child, and the relocating parent
43 desires to take the child with him or her, the relocating parent shall, before
44 relocating:

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

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

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

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

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

7 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.

8 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125C.010(1)(b), for purposes of
9 visitation rights of a child, the State of Nevada or the state where the child resides within the
10 United States of America is the habitual residence of the child.

11 **NOTICE IS HEREBY GIVEN** that the parent having the child support obligation is subject to
12 NAC 425.025 and NRS 31A.010 through 31A.350, inclusive, regarding the immediate
13 withholding or assignment of wages, commissions or bonuses for payment of child support,
14 whether current or delinquent.

15 **NOTICE IS HEREBY GIVEN** that pursuant to NRS 125B.145 and NAC 425.170, either
16 party may request that the Court review the child support obligation every three years or upon
17 changed circumstances.

18 **NOTICE IS HEREBY GIVEN** that pursuant to NAC 425.165 and NRS 425.620, if the order
19 pertains to more than one child and does not allocate a specific amount of the total child
20 support obligation to each child, and if you want to adjust the amount of child support
21 established in this order, you **MUST** file a motion to modify the order with or submit a
22 stipulation to the court. If a motion to modify the order is not filed or a stipulation is not
23 submitted, the child support obligation established in this order will continue until such time as
24 all children who are the subject of this order reach 18 years of age or, if the youngest child who
25 is subject to this order is still in high school when he or she reaches 18 years of age, when the
26 child graduates from high school or reaches 19 years of age, whichever comes first. Unless the

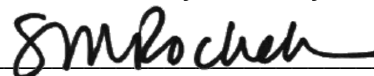
1 parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify
2 the order will be effective as of the date the motion was filed.

3 **NOTICE IS HEREBY GIVEN** that each party shall submit the information required in NRS
4 125B.055, NRS 125.130, and 125.230 on a separate form to the Court and the Welfare Division
5 of the Department of Human Resources within ten days from the date this Decree is filed. Such
6 information shall be maintained by the Clerk in a confidential manner and not part of the public
7 record. The parties shall update the information filed with the Court and the Welfare Division
8 of the Department of Human Resources within ten days should any of that information become
9 inaccurate.

10 **NOTICE IS HEREBY GIVEN** that you have an affirmative duty to update any changes in
11 your personal information by filing a Notice of Change of Address form. The form can be
12 found at the following link:

13 <https://www.familylawselfhelpcenter.org/images/forms/misc/address-change-pdf-fillable.pdf>

14
15 Dated this 1st day of February, 2023

16 

17 EFB 6F6 4B7D 8D9C
18 Stacy M. Rocheleau
19 District Court Judge
20
21
22
23
24
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Joint Petition
7 for Divorce of:

8 Megan Elizabeth Barral and
9 Dustin James Barral

CASE NO: D-12-458737-Z

DEPT. NO. Department W

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 2/1/2023

15 megan johnson

megan_kris@aol.com

16 barral barral

dustinbarral@yahoo.com

17
18 If indicated below, a copy of the above mentioned filings were also served by mail
19 via United States Postal Service, postage prepaid, to the parties listed below at their last
20 known addresses on 2/2/2023

21 Dustin Barral

#1108615

LCC

1200 Prison Rd

22 Lovelock, NV, 89419

23 Megan Barral

4478 E Quail AVE

24 Las Vegas, NV, 89120
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Divorce - Joint Petition

COURT MINUTES

April 06, 2022

D-12-458737-Z	In the Matter of the Joint Petition for Divorce of: Megan Elizabeth Barral and Dustin James Barral
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April 06, 2022 11:00 AM Minute Order

HEARD BY: Rocheleau, Stacy M.

COURTROOM: Chambers

COURT CLERK: Jefferyann Rouse

PARTIES:

Dustin Barral, Petitioner, not present	Pro Se
Joshua Barral, Subject Minor, not present	
Levi Barral, Subject Minor, not present	
Megan Barral, Petitioner, not present	Pro Se

JOURNAL ENTRIES

- MINUTE ORDER NO HEARING HELD
Barral v. Barral D-12-458737-Z

NRCP 1 and EDCR 1.10 state that the procedures in district court shall be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding, and to promote and facilitate the administration of justice.

Pursuant to Administrative Order 20-17, this Court may issue a decision on the papers.

The Court having considered the Motion to Modify Child Custody, Visitation and/or Child Support filed March 14, 2022, (Motion) as well as the parties respective Financial Disclosure Forms, the Opposition to the Motion, the Response and the Reply, as well as the other pleadings and papers filed in this case, and good cause appearing,

The Court FINDS the Decree of Divorce entered on March 29, 2012 (Decree) awarded Megan primary physical custody of the two minor children and set child support at 25% of Dustin s income

PRINT DATE:	04/06/2022	Page 1 of 3	Minutes Date:	April 06, 2022
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

at \$1,416 per month.

The Court FINDS Megan has been supporting the minor children without any contribution from Dustin since at least May 2013.

The Court FINDS three years have passed since the entry of the Decree and the parties are entitled to a review of child support pursuant to NRS 125B.145.

The Court FINDS pursuant to NRS 125B.140 payments for child support may not be retroactively modified or adjusted.

The Court FINDS Dustin has been incarcerated since May 31, 2013 and is scheduled to be paroled in September 2023.

Pursuant to his Financial Disclosure Form filed March 14, 2022 he has no income, however in his moving papers he represents he makes \$30.00 per month. After considering his Financial Disclosure Form and the representations in his Motion, the Court FINDS Dustin s earning capacity is \$30.00 per month.

The Court FINDS this is more than a 20% change in his income since the entry of the Decree, which constitutes changed circumstances and modification of the current order for support is appropriate.

The Court FINDS the 2022 Low Income Child Support Guidelines (Guidelines) for a payer with 2 children earning less than \$849 per month is 14.52% of their gross monthly income. Based upon these Guidelines, Dustin s child support obligation would be \$4.36 per month, however as Dustin s gross monthly income is below the lowest level set forth in the Guidelines the Court FINDS eliminating Dustin s child support obligation is appropriate.

IT IS HEREBY ORDERED Dustin s Motion to Modify Child support is GRANTED. Dustin s obligation of child support shall be SUSPENDED commencing March 1, 2022.

IT IS FURTHER ORDERED Dustin s request for sanctions is DENIED as he has not shown there is a basis pursuant to EDCR 7.60.

IT IS FURTHER ORDERED Megan s request to reduce child support arrears to judgment is DENIED as the child support amount set forth on the Exhibit 1 Arrears Statement is not accurate. This denial is without prejudice and Megan may file a new motion and Schedule of Arrears for the Court s consideration.

IT IS FURTHER ORDERED the hearing set on April 19, 2022 to be heard in Chambers shall be

PRINT DATE:	04/06/2022	Page 2 of 3	Minutes Date:	April 06, 2022
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Notice: Journal entries are prepared by the courtroom clerk and are not the official record of the Court.

VACATED.
IT IS SO ORDERED.

INTERIM CONDITIONS:

FUTURE HEARINGS:

*Canceled: April 19, 2022 1:30 PM Motion
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Rocheleau, Stacy M.
Chambers*

*Canceled: April 19, 2022 1:30 PM Opposition
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Rocheleau, Stacy M.
Chambers*

*Canceled: April 19, 2022 1:30 PM Hearing
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Rocheleau, Stacy M.
Chambers*

*Canceled: April 19, 2022 1:30 PM Opposition
Reason: Canceled as the result of a hearing cancel, Hearing Canceled Reason: Vacated
Rocheleau, Stacy M.
Chambers*

PRINT DATE:	04/06/2022	Page 3 of 3	Minutes Date:	April 06, 2022
-------------	------------	-------------	---------------	----------------

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):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT
DOCKET ENTRIES; CIVIL COVER SHEET; ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT
COURT MINUTES

In the Matter of the Joint Petition for Divorce of:

MEGAN ELIZABETH BARRAL nka MEGAN
ELIZABETH HAMMONDS AND DUSTIN
JAMES BARRAL,

Petitioner(s),

Case No: D-12-458737-Z

Dept No: W

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 9 day of March 2023.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk