

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant(s),

vs.

MEGAN ELIZABETH BARRAL, N/K/A
MEGAN ELIZABETH HAMMONDS,
Respondent(s),

Electronically Filed
Apr 10 2023 09:31 AM
Elizabeth A. Brown
Clerk of Supreme Court

Case No: D-12-458737-Z

Docket No: 86231

RECORD ON APPEAL

ATTORNEY FOR APPELLANT
DUSTIN BARRAL #1108615,
PROPER PERSON
1200 PRISON RD.
LOVELOCK, NV 89419

ATTORNEY FOR RESPONDENT
MEGAN BARRAL,
PROPER PERSON
4478 E. QUAIL AVE.
LAS VEGAS, NV 89120

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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Divorce of:
Megan Elizabeth Barral and Dustin James
Barral

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ORIGINAL

PIFP

Name: Megan Barral

Address: 3318 N Decatur #2063

Las Vegas, NV 89130

Telephone Number: 702-748-2641

In Proper Person

FILED

JAN 10 2012

John L. Blum
CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

Megan Barral,)

Plaintiff,)

CASE NO.: D-12-458737-2

vs.)

DEPT NO.: T

Dustin Barral)

Defendant.)

Application and Affidavit to Proceed in Forma Pauperis

Pursuant to NRS 12.015, and based on the information contained in this Application and Affidavit, I request permission from this Court to proceed without paying filing fees, or other court costs and fees as provided in NRS 12.015 because I lack sufficient financial ability.

I, (Your Name) Megan Barral after being duly sworn, depose and state as follows:

I wish to file with the Court the concurrently submitted pleading. I cannot pay the filing fee because I lack sufficient income, assets, or other resources.

//

3

| Personal Income | | |
|------------------------------|---|--|
| A | If you are Employed - write the Name of Employer & Job Title If you are Self-employed - write the Name of your Company If you are Unemployed - write "Unemployed" | Clerk of the Court Office Assistant |
| B | Total Monthly Income Before Taxes: (If you are unemployed indicate how much money you receive each month from unemployment benefits) | \$ 600 |
| C | Amount of Money Received Each Month from Public Benefits/Assistance such as TANF, SSD, SSI, etc.... | \$ n/a |
| Other Income | | |
| D | Amount of Money Received from other Sources of Income: (Such as contributions from roommates or family members) | \$ n/a |
| E | Monthly Child Support Received | \$ n/a |
| Total Income (Add lines B-E) | | |

| Household Information | | |
|---|---|----------|
| A | How Many Adults (over 18) Live with You? | 0 |
| B | How Many Children (under 18) Live with You? | 2 |
| Total Number of People Living with you? (Add lines A&B) | | 2 + Self |

| Monthly Expenses | | |
|--|--|------------------------|
| Write "\$0.00" in the amount spent per month column for any expense you do not have. | | |
| | Type of Expense | Amount Spent per Month |
| A | Food | \$ 300 |
| B | Child Care | \$ 700 |
| C | Rent/Mortgage | \$ |
| D | Medical Expenses (including health insurance) | \$ 0.00 |
| E | Transportation (including car insurance, gas, bus fare, etc...) | \$ 200 |
| F | Other _____ | \$ |
| Total Monthly Expenses (Add lines A -F) | | \$ 1200 |

| Assets | | | |
|--|------------------|-------|--------------|
| Each blank must be completed. If you do not have an asset listed, write "none" in the Type/Make/Model column and "\$0.00" in the Value and Loan Balance columns. | | | |
| Description of Asset | Type/ Make/Model | Value | Loan Balance |
| Home/Property | none | \$ | \$ |
| Bank Account | I | \$ | \$ |
| Automobile | I | \$ | \$ |
| Other | I | \$ | \$ |

Affidavit in Support of Request to Proceed In Forma Pauperis

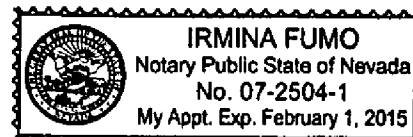
Briefly explain your current financial situation and why you are unable to pay the fee to file your lawsuit. For example, if you are unemployed explain why, for how long, and what efforts you are making to obtain employment. If you are temporarily living with a friend or relative explain for how long and how they help you financially.

(Your Name) Megan Barreal, being first duly sworn under oath, deposes and says as follows:

Megan Barreal
Affiant (your signature)

SUBSCRIBED and SWORN to before me

This 4th day of January, 2012.
Irmina Fumo
Notary Public



Alvin L. Shuman

CLERK OF THE COURT

1 COMD

(Wife's Name) Megan Barral

(Address) 4478 E Quail Ave

Las Vegas, NV 89130

(Telephone) 702-748-2641

(Email Address) meg-barral@yahoo.com

Self-Represented

(Husband's Name) Dustin Barral

(Address) 8120 W Gilmore Ave

Las Vegas NV 89129

(Telephone) 702-556-9316

(Email Address) dustinbarral@yahoo.com

Self-Represented

DISTRICT COURT
CLARK COUNTY, NEVADA

In the Matter of the Marriage of

Megan Barral

(Wife's Name),

and

Dustin Barral

(Husband's Name)

Joint Petitioners.

CASE NO.: D-12-458737-Z

DEPT NO.: T

JOINT PETITION FOR SUMMARY DECREE OF DIVORCE

Petitioners, (wife's name) Megan Barral, in Proper Person and
(husband's name) Dustin Barral, in proper person, hereby petition this Court,
pursuant to the terms of Chapter 125 of the Nevada Revised Statutes, to grant them a divorce.
Petitioners respectfully show, and under oath, state to the Court that every condition of NRS
125.181 has been met and further state as follows:

1. That Petitioners were married on the (date) 9/29/06 in the city of
Las Vegas, State of Nevada and have since
remained husband and wife.

1 2. That Petitioner (name of spouse who lives in Nevada) Megan Barral, is
2 now and for more than six weeks before the filing of this action has been, an actual
3 resident of the State of Nevada and, during all this period of time has been
4 actually, physically, present in and living, in the State of Nevada and intends to
5 continue to make Nevada his/her home for an indefinite period of time.

6 3. The current addresses of the Petitioners are:

7 4478 E Corti Ave Las Vegas, NV 89130 MB
8 Wife's Address: 3318 N. Duran Blvd Las Vegas, NV 89130

9 Husband's Address: 8120 W Gilmore Ave Las Vegas, NV 89129

10 4. The Petitioners have become, and continue to be, incompatible in marriage and no
11 reconciliation is possible, and/or the parties have lived separate and apart for more
12 than one year, without cohabitation.

13 5. **Pregnancy.** The Petitioners certify that: (☒ check one):

14 ☒ The wife is not pregnant at this time.

15 ☐ The wife is pregnant at this time and the husband is the father of the unborn
16 child. The unborn child is due to be born on (date) _____.

17 ☐ The wife is pregnant at this time and the husband is not the father of the unborn
18 child. The unborn child is due to be born on (date) _____.

19 6. That there are (number) 2 minor children born to, or adopted through this
20 union.

21 7. The minor children's names, dates of birth, states and lengths of residence are as
22 follows:

| Child's Name: | Child's Date of Birth: | State of Residence: | Length of time child has lived in the state: |
|---------------|------------------------|---------------------|--|
| Levi Barral | 11/7/07 | Nevada | 4 yrs |
| Joshua Barral | 1/13/10 | Nevada | 2 yrs |
| | | | |
| | | | |

1 8. **Child(ren) Residency** (☒ *check one*):

2 ☒ The children are residents of Nevada and have lived here for at least the past
3 six (6) months and, as such, this Court has the necessary UCCJEA jurisdiction
4 to enter orders regarding custody.

5 ☐ The children are not residents of Nevada and have not lived here for at least the
6 past six (6) months and, as such, this Court does NOT have the necessary
7 UCCJEA jurisdiction to enter orders regarding custody.

8 9. **Legal Custody.** Legal Custody involves having basic legal responsibility for a
9 child and making major decisions about the child like the child's health, education
10 and religious upbringing. (☒ *check one*)

11 ☐ The children are not residents of the State of Nevada.

12 ☐ The Petitioners should be granted joint legal custody of the minor children.

13 ☒ The Wife should be granted sole legal custody of the minor children.

14 ☐ The Husband should be granted sole legal custody of the minor children.

15 10. **Physical Custody.** Physical custody refers to the amount of time the child spends
16 in the care of each parent. (☒ *check one*)

17 Joint physical custody exists when each parent has physical custody of the children at
18 least 40% (146 days) of the time calculated over a one year period.

19 Primary Physical custody exists when one parent has physical custody of the children
20 more than 60% (219 days) of the time calculated over a one year period.

21 ☐ The children are not residents of Nevada.

22 ☐ The Petitioners should be granted joint physical custody of the minor children
23 with a timeshare as outlined in Exhibit 1.

24 ☒ The Wife should be awarded primary physical custody of the minor children
25 with the Husband having visitation as proposed in Exhibit 1.

26 ☐ The Husband should be awarded primary physical custody of the minor
27 children with the Wife having visitation as proposed in Exhibit 1.

28 //

 //

 //

11. **Holiday Visitation** (☒ *check one*):

- ☐ The children are not residents of Nevada.
- ☒ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should take precedence when in conflict with the regular visitation schedule.
- ☐ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should NOT take precedence when in conflict with the regular visitation schedule.

12. **Health Insurance** (☒ *check one*):

- ☐ The Wife should maintain medical and dental insurance for the minor children, if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.
- ☒ The Husband should maintain medical and dental insurance for the minor children, if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.
- ☐ The Petitioners should both maintain medical and dental insurance for the minor children if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.

13. **Unreimbursed Medical Expenses** (☒ *check one*):

30/30 Rule: Any parent incurring an out-of-pocket medical expense relating to the minor child will provide to the other parent a copy of all paperwork relating to that expense within thirty (30) days of incurring said expense, along with a request for contribution for one-half (½) of the out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-half (½) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the other parent will reimburse the requesting parent in the amount requested within thirty (30) days of receipt of said request for contribution. Upon receipt of reimbursement from any insurance carrier by either parent, and if the other parent previously paid a portion of the payment resulting in that reimbursement, the parent receiving the reimbursement shall equally divide said reimbursement with the other parent within seven (7) days of receipt of same. Both parents have the authority to contact the insurance provider directly in order to determine the status of any individual claim.

- ☐ The Petitioners ask the court to adopt the 30/30 Rule.
- ☒ The Petitioners ask the court to NOT adopt the 30/30 Rule.

1 **14. Child Support Amount.** *Complete the Child Support Worksheet (Worksheet A or*
2 *Worksheet B) that applies to your custody arrangement BEFORE you complete*
3 *this question. (☑ check one)*

4 ☐ Based upon the proposed physical custody arrangement the Wife should pay
5 \$ _____ dollars per month for support of the parties' minor children.

6 ☒ Based upon the proposed physical custody arrangement the Husband should
7 pay \$ 1416.00 dollars per month for support of the parties' minor
8 children.

9 **15. Child Support Calculation.** The amount of child support requested was
10 calculated based upon the following: (☑ check one)

11 ☐ The statutory minimum of \$100 per month, per child.

12 ☒ The calculation for a primary physical custody arrangement as shown on the
13 attached Worksheet A.

14 ☐ The calculation for a joint physical custody arrangement as shown on the
15 attached Worksheet B.

16 ☐ Other: _____

17 **16. Wage Withholding Order (☑ check one):**

18 ☐ The Petitioners ask that the court order a wage withholding against the obligor
19 parent (parent who owes child/spousal support) to secure payment of child
20 support and spousal support, if any.

21 ☐ Good cause exists to postpone the withholding of income from the obligor
22 parent to pay child support and spousal support, if any.

23 ☐ There is already a child support action through the District Attorney's Office
24 and payment of the child support shall continue to be handled through that
25 office.

26 ☒ This is the first court order for child support and the Petitioners ask that the
27 payments be handled through the District Attorney's Office. The parent who
28 will be collecting child support shall open the case with the District Attorney's
Office.

17. Child Support Arrears (☒ check one):

- ☒ The Petitioners verify that no child support arrears are owed to either party.
- ☐ The Petitioners waive their rights to child support arrears and certify that the children are not currently receiving and have not received Welfare benefits at any time during the past four years.
- ☐ The children are currently receiving or have received Welfare benefits during the past four years and the Petitioners cannot waive child support arrears.
- ☐ The Petitioners agree that the (☒ check one) ☐ husband ☐ wife should be awarded child support arrears in the total amount of \$_____.

18. Division of Assets (☒ check one):

- ☒ All of the community assets and property have been previously divided and each is to keep the property they have in their possession at this time.
- ☐ There is no community property to be divided.
- ☐ The community property should be divided as follows:

Wife shall receive as her sole and separate property:

1. _____
2. _____
3. _____
4. _____

Husband shall receive as his sole and separate property:

1. _____
2. _____
3. _____
4. _____

19. Division of Debts (☒ check one):

- ☒ All of the community debts have been previously divided and each is to keep those debts assigned to them and hold the other party harmless from those debts.
- ☐ There are no community debts to be divided.

☐ The community debts should be divided as follows:

Wife shall receive as her sole and separate debts:

1. _____
2. _____
3. _____
4. _____

Husband shall receive as his sole and separate debts:

1. _____
2. _____
3. _____
4. _____

20. Petitioners hereby certify that they have disclosed all community assets and debts and that there are no other community assets or debts for this Court to divide.

21. Spousal Support (☒ check one):

☒ Neither party should be awarded spousal support.

☐ Spousal support should be awarded to (☒ check one) ☐ the Wife/☐ the Husband in the amount of \$ _____ dollars per month for (number) _____ (☒ check one) ☐ months/☐ years. The Spousal support shall begin on (date) _____ and end on (date) _____.

22. Name Change for Wife (☒ check one):

☐ The wife does not wish to return to her former or maiden name restored.

☒ The wife should have her former or maiden name of Hammonds restored to her.

☐ The wife never changed her name.

23. Petitioners hereby request that this Court enter a Decree of Divorce, incorporating into that Decree the provisions made herein.

24. It is understood by the Petitioners that entry of Decree of Divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the

1 status of the marriage. Petitioners each expressly give up their respective rights to
2 receive written Notice of Entry of any Decree and Judgment of Divorce and
3 Petitioners give up their right to request a formal Findings of Fact and Conclusions
4 of Law, or to appeal any Judgment or Order of this Court made and entered in
5 these proceedings or the right to move for a new trial.

6 25. It is further understood by the Petitioners that a final Decree of Divorce entered by
7 this summary procedure does not prejudice or prevent the rights of either Petitioner
8 to bring an action to set aside the final decree for fraud, duress, accident, mistake
9 or the grounds recognized at law or in equity.

10 WHEREFORE, Petitioners pray as follows:

- 11
- 12 1. That the parties be granted a decree of divorce and that each of the Petitioners be
- 13 restored to the status of unmarried persons.
- 14 2. That the terms agreed upon in this Joint Petition be included in the Decree.
- 15

16 DATE: 2-8-12

17 ► Megan E. Bernal
18 (Wife's signature)

16 DATE: 2-8-12

17 ► [Signature]
18 (Husband's signature)

1 WIFE'S VERIFICATION

2 STATE OF NEVADA)
3) ss: 530-11-8337
4 COUNTY OF CLARK)

5 (Wife's name) Megan Barral being first duly
6 sworn under penalties of perjury, deposes and says:

7 I am the Petitioner herein, and I have read the foregoing Joint Petition for Summary
8 Decree of Divorce and know the contents thereof; that the same is true to the best of my own
9 knowledge, except as to those matters therein stated upon information and belief, and as to those
10 matters, I believe them to be true.

11 Megan Barral
(Wife's signature)

12 Signed and sworn to (or affirmed) before me

13 on (date) Feb 7, 2012

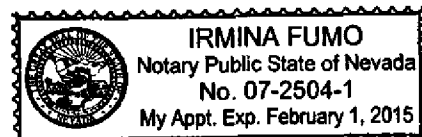
14 by (name of person signing document) Megan Barral

15 Irmina Fumo
16 Signature of notarial officer

17
18
19
20 STATE OF NEVADA)
21) ss:
22 COUNTY OF CLARK)

23 On this 7th day of Feb, 2012 personally appeared before
24 me, a Notary Public, (Wife's name) Megan Barral, known or proved to
25 me to be the person who executed the foregoing Joint Petition for Summary Decree of Divorce,
26 and who acknowledged to me that she did so freely and voluntarily and for the uses and purposes
27 herein stated.

28 Irmina Fumo
Signature of notarial officer



HUSBAND'S VERIFICATION

STATE OF NEVADA)
) ss: 530-39-3282
COUNTY OF CLARK)

(Husband's name) Dustin Barra being first duly

sworn under penalties of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Joint Petition for Summary Decree of Divorce and know the contents thereof; that the same is true to the best of my own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.



(Husband's signature)

Signed and sworn to (or affirmed) before me

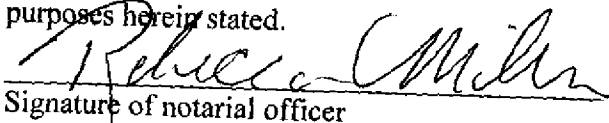
on (date) 2-8-12

by (name of person signing document) Dustin Barra


Signature of notarial officer

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

On this 8 day of Feb, 2012, personally appeared before me, a Notary Public, (Husband's name) Dustin Barra, known or proved to me to be the person who executed the foregoing Joint Petition for Summary Decree of Divorce, and who acknowledged to me that he did so freely and voluntarily and for the uses and purposes herein stated.


Signature of notarial officer

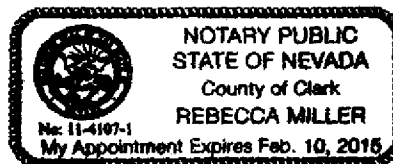


EXHIBIT 1

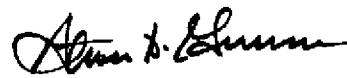
| Week | Sun. | Mon. | Tues. | Wed. | Thurs. | Fri. | Sat. |
|--------------------|--|------|--|------|--------|---|------|
| <i>Sample</i> | Mom Pick up at 11 a.m. | Mom | Dad Pick up after school at 3 p.m. | Dad | Dad | Mom Pick up after school at 3 p.m. | Mom |
| <i>Week #1</i> | Dad (supervised visit) 12:30pm to 3:30pm | | Dad (supervised visit) 5pm to 8pm | | | | |
| <i>Week #2</i> | | | | | | | |
| <i>Week #3</i> | | | | | | | |
| <i>Week #4</i> | | | | | | | |

EXHIBIT 2

| Check box if this holiday applies: | Holiday: | Time (circle a.m. or p.m.): | Every Year | Even Years | Odd Years |
|------------------------------------|-----------------------------|--|---|--|--|
| <input type="checkbox"/> | New Year's Eve | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | New Year's Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Martin Luther King, Jr. Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Presidents' Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Passover | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Easter | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Memorial Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Mother's Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Father's Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | 4 th of July | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Labor Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Rosh Hashanah | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Yom Kippur | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Nevada Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Halloween | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Veterans Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Thanksgiving Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |

EXHIBIT 2 Continued

| | | | | | |
|-------------------------------------|----------------------|--|---|--|--|
| <input type="checkbox"/> | Chanukkah (Days): | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Chanukkah (Days): | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Christmas Eve | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Christmas | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Father's Birthday | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Mother's Birthday | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Child's Birthday | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |



CLERK OF THE COURT

1 AFFT

2 (Your Name) Megan Barral

3 (Address) 4478 E Quail Ave

4 Las Vegas, NV 89120

5 (Telephone) 702-748-2641

6 (Email Address) meg_barral@yahoo.com

7 In Proper Person

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

10 In the matter of the Marriage of

11 Megan Barral
(Wife's Name)

12 and

13 Dustin Barral
(Husband's Name)

14 Joint Petitioners.

CASE NO.: D-12-458737-2

DEPT NO.: T

AFFIDAVIT OF RESIDENT WITNESS

16 STATE OF NEVADA)
17) SS:
18 County of Clark)

19 I, (resident witness' name) Kristofer Johnson, swear under
20 penalty of perjury that the following statements are true and correct.

21 1. I am over the age of eighteen (18) and competent to testify of my own knowledge
22 to the following.

23 2. I have lived in the State of Nevada for (number) 20 years and currently
24 lived at (street, city, state) 4478 E Quail Ave Las Vegas NV
25 and I intend to live in the State of Nevada for the foreseeable future.
26
27
28

3. To my personal knowledge, (name of person whose residency is being established)

megan Barral lives at (street, city, state) 4478 E 9th

Ave Las Vegas NV and has

been physically living within the State of Nevada on a daily basis for at least six

(6) weeks prior to the filing of the Joint Petition on (date) 3-25-12.

4. To my personal knowledge, (name of person whose residency is being established)

megan Barral has physically lived in the State of Nevada since

(date) 4-18-85.

5. I see the Petitioner an average of (number) 7 times per week.

6. I know the Petitioner because we are good friends.

7. I know of my own personal knowledge that (name of person whose residency is

being established) megan Barral is a bona fide

resident of the State of Nevada+.

DATED this (day) 26th day of (month) March, 2012.

(Signature) ▶ *Christopher Johnson*

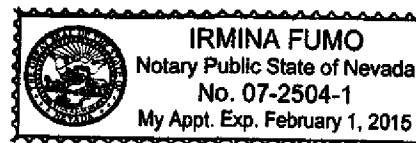
(Printed Name) Christopher Johnson

SUBSCRIBED and SWORN to before me

this 26 day of March, 2012

Irmina Fumo

NOTARY PUBLIC



100922
Alan D. Blum

CLERK OF THE COURT

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

Megan E Barrai)
PLAINTIFF)
)
-vs-)
)
Dustin J Barrai)
DEFENDANT)

CASE NO. D-12-458737-2

DEPARTMENT I

NOTICE OF SEMINAR COMPLETION – EDCR 5.07

PLEASE TAKE NOTICE THAT Barrai, Megan E.
(Name)

SUCCESSFULLY COMPLETED THE MANDATORY DIVORCE EDUCATION SEMINAR
ON March 6, 2012
(Date)

Family Solutions Inc.
702-395-8417
www.familyolutionslv.org

N Polit
PROGRAM REPRESENTATIVE

March 6, 2012
DATE



Alvin D. Blum

CLERK OF THE COURT

DISTRICT COURT

FAMILY DIVISION

CLARK COUNTY, NEVADA

Megan E Barral
PLAINTIFF

-VS-

Dustin J Barral
DEFENDANT

CASE NO. D-12-458737-2

DEPARTMENT I

NOTICE OF SEMINAR COMPLETION – EDCR 5.07

PLEASE TAKE NOTICE THAT Barral, Dustin J.
(Name)

SUCCESSFULLY COMPLETED THE MANDATORY DIVORCE EDUCATION SEMINAR
ON March 21, 2012
(Date)

Family Solutions Inc.
702-395-8417
www.familyolutionslv.org

NPoli
PROGRAM REPRESENTATIVE

March 21, 2012
DATE



NEVADA STATE DIVISION OF WELFARE AND SUPPORTIVE SERVICES

☒ WITH CHILD SUPPORT

CHILD SUPPORT ENFORCEMENT

☐ WITHOUT CHILD SUPPORTCASE NO. D-12-458737-2DEPT. NO. T

IN THE _____ JUDICIAL DISTRICT COURT

OF THE STATE OF NEVADA

IN AND FOR _____

Megan Barreal

vs.

Dustin BarrealCOURT ORDER
INFORMATION SHEET☐ CUSTODIANName: Megan Elizabeth Barreal
(First) (Middle) (Last)Residential Address: 4478 E Quail Ave Apt. #: _____Mailing Address: 4478 E Quail Ave Apt. #: _____City: Las Vegas State: NV ZIP: 89120 Telephone Number (702) 748-2641Social Security Number: 530 - 11 - 8337 Date of Birth: April 18, 1985Driver's License No.: 2101270647 State: NevadaAre you employed? ☐ YES ☒ NO Domestic Violence? ☐ YES ☒ NO (Check "YES" if this person's identifying information should be kept confidential.)Name of Employer: n/aBusiness Address: n/a

City: _____ State: _____ ZIP: _____ Employer Telephone No. () _____

☐ NONCUSTODIAL PARENTName: Dustin James Barreal
(First) (Middle) (Last)Residential Address: 8120 W. Gilmore Ave Apt. #: _____Mailing Address: 8120 W. Gilmore Ave Apt. #: _____City: Las Vegas State: NV ZIP: 89128 Telephone Number (702) 556-9316Social Security Number: 530 - 39 - 3282 Date of Birth: _____Driver's License No.: 1400955196 State: _____Are you employed? ☒ YES ☐ NO Domestic Violence? ☐ YES ☐ NO (Check "YES" if this person's identifying information should be kept confidential.)Name of Employer: United States Postal ServiceBusiness Address: Red Rock Vista 2449 N Tenaya WayCity: Las Vegas State: NV ZIP: 89128 Employer Telephone No. (702) 360-3318

CHILD(REN) INVOLVED IN THIS CASE: (Place an X by each child's name under DV if identifying information should be kept confidential.)

Name: Levi James Barreal SSN 680 / 94 / 5497 DOB 11 / 7 / 07 DV _____Name: Joshua David Barreal SSN 680 / 19 / 2910 DOB 1 / 13 / 10 DV _____

Name: _____ SSN _____ DOB _____ DV _____

Name: _____ SSN _____ DOB _____ DV _____

Name: _____ SSN _____ DOB _____ DV _____

If more than 5 children's names are applicable, please list their names on a separate sheet of paper and attach.

Megan Barreal
Signature

Date

RECEIVED

MAR 23 2012 (1/09)

CLERK OF THE COURT

ORIGINAL

Electronically Filed
03/29/2012 03:45:23 PM

Alvin D. Lamm

CLERK OF THE COURT

1 DECD

2 (Wife's Name) Megan Barral
3 (Address) 4478 E Quail Ave
4 Las Vegas, NV 89120
5 (Telephone) 702-748-2641
6 (Email Address) meg-barral@yahoo.com
7 Self-Represented

8 (Husband's Name) Dustin Barral
9 (Address) 8120 W Gilmore Ave
10 Las Vegas, NV 89129
11 (Telephone) 702-556-9316
12 (Email Address) dustinbarral@yahoo.com
13 Self-Represented

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

13 In the Matter of the Marriage of

14 Megan Barral
(Wife's Name),
15 and

16 Dustin Barral
(Husband's Name)

CASE NO.: D-12-458737-2

DEPT NO.: T

17
18 Joint Petitioners.

19 DECREE OF DIVORCE

20 The above entitled cause, having been submitted to this Court for decision pursuant to
21 Chapter 125 of the Nevada Revised Statutes, and based upon the Joint Petition by the Petitioners,
22 (wife's name) Megan Barral and (husband's name) _____
23 Dustin Barral, and all of the papers and pleadings on file, the Court
24 finds as follows:

- 25 1. That all of the allegations contained in the documents on file are true.
26
27 2. That all of the requirements of NRS 125.181 and NRS 125.182 have been met.

| | |
|---|--|
| <input type="checkbox"/> Decision w/Hearing | <input type="checkbox"/> Death |
| <input type="checkbox"/> Decision w/Trial/H | <input type="checkbox"/> Transferred |
| <input checked="" type="checkbox"/> Decision w/out Trial/Hearing | <input type="checkbox"/> Converted from Blackstone |
| <input type="checkbox"/> Involuntary Dismissal | <input type="checkbox"/> Restoration of Competency |
| <input type="checkbox"/> Voluntary Dismissal | <input type="checkbox"/> Age of Majority |
| <input type="checkbox"/> Order Terminating Guardianship/Final Acct. | |

RECEIVED

MAR 28 2012

3. That the Petitioners have (number) 2 minor children born to, or adopted through this union. The minor children's names and dates of birth are as follows:

| Child's Name: | Child's Date of Birth: |
|---------------|------------------------|
| Levi Barral | 11/17/07 |
| Joshua Barral | 1/13/10 |
| | |
| | |

4. Child Residency (☒ check one):

☒ The children for which custody and visitation order requests are made herein are residents of Nevada and have lived here for at least the past six (6) months and, as such, this Court has the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.

☐ The children are not residents of Nevada and have not lived here for at least the past six (6) months and, as such, this Court does NOT have the necessary UCCJEA jurisdiction to enter orders regarding custody and visitation.

5. That this Court has complete jurisdiction to enter this Decree and the orders regarding the distribution of assets and debts.

6. That Petitioners were married on the (date) 9/29/06 in the city of Las Vegas, State of Nevada and have since remained husband and wife.

7. That resident Petitioner (name of spouse who lives in Nevada) Megan Barral has been, and is now, an actual bona fide resident of the State of Nevada and has actually been domiciled in the State of Nevada for more than six weeks immediately prior to the commencement of this action, and intends to continue to make the State of Nevada his/her home for an indefinite period of time.

1 8. That the Petitioners have become, and continue to be, incompatible in marriage
2 and no reconciliation is possible, and/or the parties have lived separate and apart
3 for more than one year without cohabitating as Husband and Wife and Petitioners
4 are entitled to a Decree of Divorce.

5 9. Pregnancy. The Petitioners certify that (☒ check one):

6 ☒ The Wife is not pregnant at this time.

7 ☐ The Wife is pregnant at this time and the husband is the father of the unborn
8 child. The unborn child is due to be born on (date) _____.

9 ☐ The Wife is pregnant at this time and the husband is not the father of the
10 unborn child. The unborn child is due to be born on (date)
11 _____.

12 10. The Petitioners have entered into an agreement settling all issues of child support,
13 child custody and visitation, and medical insurance which is outlined in the Joint
14 Petition, a copy of which is attached hereto as Exhibit A. The Petitioners request
15 that this agreement being in the best interest of the children be ratified, confirmed,
16 and incorporated into this Decree as though fully set forth.

17 11. The Petitioners have entered into an equitable agreement settling all issues
18 regarding the division and distribution of assets and debts, said agreement being an
19 equitable one, and Petitioners have requested that the terms in their Joint Petition, a
20 copy of which is attached hereto as Exhibit A, be ratified, confirmed, and
21 incorporated into this Decree as though fully set forth.

22 12. That the Petitioners have entered into an agreement settling the issue of spousal
23 support and request that their agreement as set forth in their Joint Petition, a copy
24 of which is attached hereto as Exhibit A, be ratified, confirmed and incorporated
25 into their Decree as though fully set forth.

26 //

27 //

28 //

13. Name Change for Wife (☒ check one):

☐ The wife does not wish to return to her former or maiden name restored.

☒ The wife should have her former or maiden name of Hammonds
_____ restored to her.

☐ The wife never changed her name.

14. The Petitioners waive their rights to a written Notice of Entry of Decree of Divorce, to appeal, to Findings of Fact and Conclusions of Law, and to move for a new trial.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the bonds of matrimony now existing between the parties are hereby wholly dissolved, and an absolute Decree of Divorce is hereby granted to the parties, and each of the parties are hereby restored to the status of a single, unmarried person.

2. That the terms, as they are stated in the Petitioners' Joint Petition, regarding child support, child custody and visitation, and medical insurance are hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

3. That the terms, as they are stated in the Petitioners' Joint Petition, regarding the assets and debts, are hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

4. That the terms, as they are stated in the Petitioners' Joint Petition, regarding the issue of spousal support are hereby ratified, confirmed, and incorporated into this Decree as though fully set forth.

5. Name Change for Wife (☒ check one):

☐ The wife does not wish to return to her former or maiden name restored.

☐ The wife never changed her name.

foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

NOTICE IS HEREBY GIVEN of the following provision of NRS 125C.200:

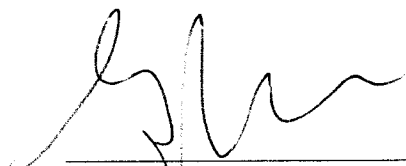
If custody has been established and the custodial parent intends to move his residence to a place outside of this state and to take the child with him, he must, as soon as possible and before the planned move, attempt to obtain the written consent of the noncustodial parent to move the child from this state. If the noncustodial parent refuses to give that consent, the custodial parent shall, before he leaves this state with the child, petition the court for permission to move the child. The failure of a parent to comply with the provisions of this section may be considered as a factor if a change of custody is requested by the noncustodial parent.

NOTICE IS HEREBY GIVEN that they are subject to the provisions of NRS 31A and 125.450 regarding the collection of delinquent child support payments.

NOTICE IS HEREBY GIVEN that either party may request a review of child support pursuant to NRS 125B.145

THIS IS A FINAL DECREE.

DATED this 24th day of March, 2012.


DISTRICT COURT JUDGE, h.
GAYLE NATHAN

Respectfully Submitted:

By: Megan Barral
(Wife's signature)

By: Dustin Barral
(Husband's signature)

(Name) Megan Barral

(Name) Dustin Barral

(Address) 4478 E Quail Ave

(Address) 8120 W Gilmore Ave

Las Vegas, NV 89130

Las Vegas, NV 89129

(Telephone) 702-748-2641

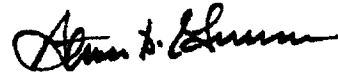
(Telephone) 702-556-9316

(Email Address) meg-barral@yahoo.com

(Email Address) dustinbarral@yahoo.com

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EXHIBIT A –
Filed copy of the Petitioners’ Joint Petition for Decree of Divorce



CLERK OF THE COURT

1 COMD

(Wife's Name) Megan Barral

(Address) 4478 E Quail Ave

Las Vegas, NV 89130

(Telephone) 702-748-2641

(Email Address) meg-barral@yahoo.com

Self-Represented

(Husband's Name) Dustin Barral

(Address) 8120 W Gilmore Ave

Las Vegas NV 89129

(Telephone) 702-556-9316

(Email Address) dustinbarral@yahoo.com

Self-Represented

DISTRICT COURT

CLARK COUNTY, NEVADA

In the Matter of the Marriage of

Megan Barral

(Wife's Name),

and

Dustin Barral

(Husband's Name)

Joint Petitioners.

CASE NO.: D-12-458737-Z

DEPT NO.: T

JOINT PETITION FOR SUMMARY DECREE OF DIVORCE

Petitioners, (wife's name) Megan Barral, in Proper Person and
(husband's name) Dustin Barral, in proper person, hereby petition this Court,
pursuant to the terms of Chapter 125 of the Nevada Revised Statutes, to grant them a divorce.
Petitioners respectfully show, and under oath, state to the Court that every condition of NRS
125.181 has been met and further state as follows:

1. That Petitioners were married on the (date) 9/29/06 in the city of
Las Vegas, State of Nevada and have since
remained husband and wife.

1 2. That Petitioner (name of spouse who lives in Nevada) Megan Barral, is
2 now and for more than six weeks before the filing of this action has been, an actual
3 resident of the State of Nevada and, during all this period of time has been
4 actually, physically, present in and living, in the State of Nevada and intends to
5 continue to make Nevada his/her home for an indefinite period of time.

6 3. The current addresses of the Petitioners are:

7 4478 E Quail Ave Las Vegas, NV 89130 ~~WES~~
8 Wife's Address: 3318 P. Decker Blvd Las Vegas, NV 89130

9 Husband's Address: 8120 W Gilmore Ave Las Vegas, NV 89129

10 4. The Petitioners have become, and continue to be, incompatible in marriage and no
11 reconciliation is possible, and/or the parties have lived separate and apart for more
12 than one year, without cohabitation.

13 5. **Pregnancy.** The Petitioners certify that: (☒ check one):

14 ☒ The wife is not pregnant at this time.

15 ☐ The wife is pregnant at this time and the husband is the father of the unborn
16 child. The unborn child is due to be born on (date) _____.

17 ☐ The wife is pregnant at this time and the husband is not the father of the unborn
18 child. The unborn child is due to be born on (date) _____.

19 6. That there are (number) 2 minor children born to, or adopted through this
20 union.

21 7. The minor children's names, dates of birth, states and lengths of residence are as
22 follows:

| Child's Name | Child's Date of Birth | State of Residence | Length of time child has lived in the state |
|---------------|-----------------------|--------------------|---|
| Levi Barral | 11/7/07 | Nevada | 4 yrs |
| Joshua Barral | 1/13/10 | Nevada | 2 yrs |
| | | | |
| | | | |

1 8. **Child(ren) Residency** (☒ *check one*):

2 ☒ The children are residents of Nevada and have lived here for at least the past
3 six (6) months and, as such, this Court has the necessary UCCJEA jurisdiction
4 to enter orders regarding custody.

5 ☐ The children are not residents of Nevada and have not lived here for at least the
6 past six (6) months and, as such, this Court does NOT have the necessary
7 UCCJEA jurisdiction to enter orders regarding custody.

8 9. **Legal Custody.** Legal Custody involves having basic legal responsibility for a
9 child and making major decisions about the child like the child's health, education
10 and religious upbringing. (☒ *check one*)

11 ☐ The children are not residents of the State of Nevada.

12 ☐ The Petitioners should be granted joint legal custody of the minor children.

13 ☒ The Wife should be granted sole legal custody of the minor children.

14 ☐ The Husband should be granted sole legal custody of the minor children.

15 10. **Physical Custody.** Physical custody refers to the amount of time the child spends
16 in the care of each parent. (☒ *check one*)

17 Joint physical custody exists when each parent has physical custody of the children at
18 least 40% (146 days) of the time calculated over a one year period.

19 Primary Physical custody exists when one parent has physical custody of the children
20 more than 60% (219 days) of the time calculated over a one year period.

21 ☐ The children are not residents of Nevada.

22 ☐ The Petitioners should be granted joint physical custody of the minor children
23 with a timeshare as outlined in Exhibit 1.

24 ☒ The Wife should be awarded primary physical custody of the minor children
25 with the Husband having visitation as proposed in Exhibit 1.

26 ☐ The Husband should be awarded primary physical custody of the minor
27 children with the Wife having visitation as proposed in Exhibit 1.

27 //

28 //

 //

11. **Holiday Visitation** (☒ *check one*):

- ☐ The children are not residents of Nevada.
- ☒ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should take precedence when in conflict with the regular visitation schedule.
- ☐ A copy of the proposed holiday visitation schedule is attached as Exhibit 2 and should NOT take precedence when in conflict with the regular visitation schedule.

12. **Health Insurance** (☒ *check one*):

- ☐ The Wife should maintain medical and dental insurance for the minor children, if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.
- ☒ The Husband should maintain medical and dental insurance for the minor children, if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.
- ☐ The Petitioners should both maintain medical and dental insurance for the minor children if available. Any deductibles and expenses not covered by insurance should be paid equally by both parties.

13. **Unreimbursed Medical Expenses** (☒ *check one*):

30/30 Rule. Any parent incurring an out-of-pocket medical expense relating to the minor child will provide to the other parent a copy of all paperwork relating to that expense within thirty (30) days of incurring said expense, along with a request for contribution for one-half (1/2) of the out-of-pocket expense actually incurred. Upon receipt of a request for contribution for one-half (1/2) of an out-of-pocket expense incurred by a parent on behalf of the minor child, the other parent will reimburse the requesting parent in the amount requested within thirty (30) days of receipt of said request for contribution. Upon receipt of reimbursement from any insurance carrier by either parent, and if the other parent previously paid a portion of the payment resulting in that reimbursement, the parent receiving the reimbursement shall equally divide said reimbursement with the other parent within seven (7) days of receipt of same. Both parents have the authority to contact the insurance provider directly in order to determine the status of any individual claim.

- ☐ The Petitioners ask the court to adopt the 30/30 Rule.
- ☒ The Petitioners ask the court to NOT adopt the 30/30 Rule.

1 14. **Child Support Amount.** Complete the Child Support Worksheet (Worksheet A or
2 Worksheet B) that applies to your custody arrangement BEFORE you complete
3 this question. (☒ check one)

4 ☐ Based upon the proposed physical custody arrangement the Wife should pay
5 \$ _____ dollars per month for support of the parties' minor children.

6 ☒ Based upon the proposed physical custody arrangement the Husband should
7 pay \$ 1416.00 dollars per month for support of the parties' minor
8 children.

9 15. **Child Support Calculation.** The amount of child support requested was
10 calculated based upon the following: (☒ check one)

11 ☐ The statutory minimum of \$100 per month, per child.

12 ☒ The calculation for a primary physical custody arrangement as shown on the
13 attached Worksheet A.

14 ☐ The calculation for a joint physical custody arrangement as shown on the
15 attached Worksheet B.

16 ☐ Other: _____

17 16. **Wage Withholding Order** (☒ check one):

18 ☐ The Petitioners ask that the court order a wage withholding against the obligor
19 parent (parent who owes child/spousal support) to secure payment of child
20 support and spousal support, if any.

21 ☐ Good cause exists to postpone the withholding of income from the obligor
22 parent to pay child support and spousal support, if any.

23 ☐ There is already a child support action through the District Attorney's Office
24 and payment of the child support shall continue to be handled through that
25 office.

26 ☒ This is the first court order for child support and the Petitioners ask that the
27 payments be handled through the District Attorney's Office. The parent who
28 will be collecting child support shall open the case with the District Attorney's
Office.

17. Child Support Arrears (☒ check one):

- ☒ The Petitioners verify that no child support arrears are owed to either party.
- ☐ The Petitioners waive their rights to child support arrears and certify that the children are not currently receiving and have not received Welfare benefits at any time during the past four years.
- ☐ The children are currently receiving or have received Welfare benefits during the past four years and the Petitioners cannot waive child support arrears.
- ☐ The Petitioners agree that the (☒ check one) ☐ husband ☐ wife should be awarded child support arrears in the total amount of \$_____.

18. Division of Assets (☒ check one):

- ☒ All of the community assets and property have been previously divided and each is to keep the property they have in their possession at this time.
- ☐ There is no community property to be divided.
- ☐ The community property should be divided as follows:

Wife shall receive as her sole and separate property:

1. _____
2. _____
3. _____
4. _____

Husband shall receive as his sole and separate property:

1. _____
2. _____
3. _____
4. _____

19. Division of Debts (☒ check one):

- ☒ All of the community debts have been previously divided and each is to keep those debts assigned to them and hold the other party harmless from those debts.
- ☐ There are no community debts to be divided.

☐ The community debts should be divided as follows:

Wife shall receive as her sole and separate debts:

1. _____
2. _____
3. _____
4. _____

Husband shall receive as his sole and separate debts:

1. _____
2. _____
3. _____
4. _____

20. Petitioners hereby certify that they have disclosed all community assets and debts and that there are no other community assets or debts for this Court to divide.

21. Spousal Support (☒ check one):

☒ Neither party should be awarded spousal support.

☐ Spousal support should be awarded to (☒ check one) ☐ the Wife/☐ the Husband in the amount of \$ _____ dollars per month for (number) _____ (☒ check one) ☐ months/☐ years. The Spousal support shall begin on (date) _____ and end on (date) _____.

22. Name Change for Wife (☒ check one):

☐ The wife does not wish to return to her former or maiden name restored.

☒ The wife should have her former or maiden name of Hammonds restored to her.

☐ The wife never changed her name.

23. Petitioners hereby request that this Court enter a Decree of Divorce, incorporating into that Decree the provisions made herein.

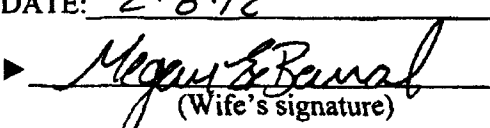
24. It is understood by the Petitioners that entry of Decree of Divorce constitutes a final adjudication of the rights and obligations of the parties with respect to the

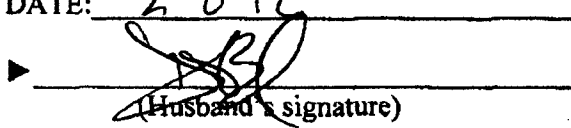
1 status of the marriage. Petitioners each expressly give up their respective rights to
2 receive written Notice of Entry of any Decree and Judgment of Divorce and
3 Petitioners give up their right to request a formal Findings of Fact and Conclusions
4 of Law, or to appeal any Judgment or Order of this Court made and entered in
5 these proceedings or the right to move for a new trial.

6 25. It is further understood by the Petitioners that a final Decree of Divorce entered by
7 this summary procedure does not prejudice or prevent the rights of either Petitioner
8 to bring an action to set aside the final decree for fraud, duress, accident, mistake
9 or the grounds recognized at law or in equity.

10 WHEREFORE, Petitioners pray as follows:

- 11 1. That the parties be granted a decree of divorce and that each of the Petitioners be
12 restored to the status of unmarried persons.
13
14 2. That the terms agreed upon in this Joint Petition be included in the Decree.

15
16 DATE: 2-8-12
17 
18 (Wife's signature)

16 DATE: 2-8-12
17 
18 (Husband's signature)

1 WIFE'S VERIFICATION

2 STATE OF NEVADA)
3) ss: 530-11-8337
4 COUNTY OF CLARK)

5 (Wife's name) Megan Barra being first duly
6 sworn under penalties of perjury, deposes and says:

7 I am the Petitioner herein, and I have read the foregoing Joint Petition for Summary
8 Decree of Divorce and know the contents thereof; that the same is true to the best of my own
9 knowledge, except as to those matters therein stated upon information and belief, and as to those
10 matters, I believe them to be true.

11 Megan Barra
12 (Wife's signature)

13 Signed and sworn to (or affirmed) before me

14 on (date) Feb 7, 2012

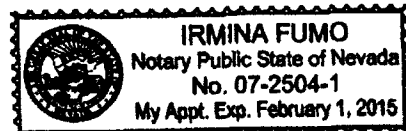
15 by (name of person signing document) Megan Barra

16 Irmina Fumo
17 Signature of notarial officer

18
19
20 STATE OF NEVADA)
21) ss:
22 COUNTY OF CLARK)

23 On this 7th day of Feb, 2012 personally appeared before
24 me, a Notary Public, (Wife's name) Megan Barra, known or proved to
25 me to be the person who executed the foregoing Joint Petition for Summary Decree of Divorce,
26 and who acknowledged to me that she did so freely and voluntarily and for the uses and purposes
27 herein stated.

28 Irmina Fumo
Signature of notarial officer



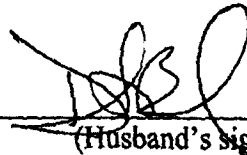
HUSBAND'S VERIFICATION

STATE OF NEVADA)
) ss: 530-39-3282
COUNTY OF CLARK)

(Husband's name) Dustin Barral being first duly

sworn under penalties of perjury, deposes and says:

I am the Petitioner herein, and I have read the foregoing Joint Petition for Summary Decree of Divorce and know the contents thereof; that the same is true to the best of my own knowledge, except as to those matters therein stated upon information and belief, and as to those matters, I believe them to be true.

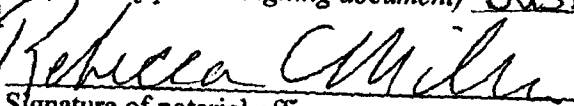


(Husband's signature)

Signed and sworn to (or affirmed) before me

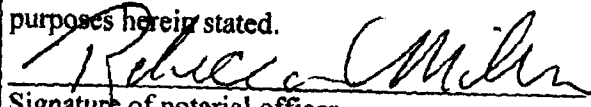
on (date) 2-8-12

by (name of person signing document) Dustin Barral


Signature of notarial officer

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

On this 8 day of Feb, 20 12, personally appeared before me, a Notary Public, (Husband's name) Dustin Barral, known or proved to me to be the person who executed the foregoing Joint Petition for Summary Decree of Divorce, and who acknowledged to me that he did so freely and voluntarily and for the uses and purposes herein stated.


Signature of notarial officer

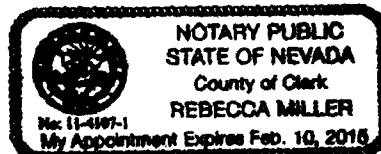


EXHIBIT 1

| Week | Sun. | Mon. | Tues. | Wed. | Thurs. | Fri. | Sat. |
|--------------------|--|------|--|------|--------|---|------|
| <i>Sample</i> | Mom Pick up at 11 a.m. | Mom | Dad Pick up after school at 3 p.m. | Dad | Dad | Mom Pick up after school at 3 p.m. | Mom |
| <i>Week #1</i> | Dad (supervised visit) 12:30pm to 3:30pm | | Dad (supervised visit) 5pm to 8pm | | | | |
| <i>Week #2</i> | | | | | | | |
| <i>Week #3</i> | | | | | | | |
| <i>Week #4</i> | | | | | | | |

EXHIBIT 2

| | | | | | |
|--------------------------|-----------------------------|--|---|--|--|
| <input type="checkbox"/> | New Year's Eve | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | New Year's Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Martin Luther King, Jr. Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Presidents' Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Passover | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Easter | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Memorial Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Mother's Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Father's Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | 4 th of July | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Labor Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Rosh Hashanah | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Yom Kippur | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Nevada Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Halloween | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Veterans Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Thanksgiving Day | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |

EXHIBIT 2 Continued

| | | | | | |
|-------------------------------------|----------------------|--|---|--|--|
| <input type="checkbox"/> | Chanukkah (Days): | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Chanukkah (Days): | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Christmas Eve | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Christmas | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | Father's Birthday | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Mother's Birthday | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input checked="" type="checkbox"/> | Child's Birthday | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |
| <input type="checkbox"/> | | From: _____ a.m./p.m. To: _____ a.m./p.m. | <input checked="" type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad | <input type="checkbox"/> Mom <input type="checkbox"/> Dad |

FILING CODE: MOT

Your Name: Dustin Barral #1108615

Address: LCC

1200 Prison Rd Lovelock, NV 89419

Telephone: _____

Email Address: _____

Self-Represented

Electronically Filed

03/14/2022

Heather J. Smith
CLERK OF THE COURT

**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

© 2022 Family Law Self-Help Center

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.

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 ^(2nd) ordered to pay child support) Dustin Barzal 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): \$ Ø / 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 write 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) _____

[Signature]

Dustin Barreal

**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) _____

[Signature]

Dustin Barreal

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
50 - 57
WILL FOLLOW VIA
U.S. MAIL**



OPPC
Megan Johnson, Petitioner
4478 E. Quail Ave.
Las Vegas, Nevada 89120
(702) 748-2641
Megan_kris@aol.com
Pro Se

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

Megan Johnson f/k/a: Megan Barral,

Joint Petitioner,

vs.

Dustin James Barral,

Joint Petitioner.

CASE NO.: D-12-458737-Z
DEPT NO.: W

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

COMES NOW, Petitioner, Megan Johnson, Pro Se, and hereby opposes Petitioner, Dustin Barral's, "MOTION AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT" and requests that this Court deny Dustin's motion in total.

This Opposition is made and based on all the papers and pleadings on file herein, the Facts attached hereto and any oral argument that may be heard at the time of the hearing of this Motion.

1. FACTS

Megan and Dustin's marriage was dissolved by a Decree of Divorce entered on March 29, 2012. Their divorce action was initiated by a Joint Petition and both parties were in total

1 agreement. Megan and Dustin have two children in common Levi Barral, age 14 and Joshua
2 Barral, age 12. In the Decree, Child Support was set based on Nevada State requirements and
3 both parties agreed to the Child Support amount set in the Decree.

4 In May 2013, Dustin was sentenced to prison and ceased paying any child support for
5 his children. Dustin made no effort to make any type of payment arrangements or to alter his
6 court ordered Child Support amount with Megan. Dustin filed numerous appeals and hired
7 lawyers for those appeals, in his criminal case, but still did not contribute anything to paying
8 his court ordered support for his children.
9

10 Dustin made no effort until January 2022, to pay anything towards the support of his
11 children. For January 2022 and February 2022, he sent 25% of his alleged net income of
12 \$20.00 per month, which was a total payment of \$7.31. Dustin filed an FDF with this motion
13 indicating he has no monthly income, however within the motion, page 7 paragraph C (12) he
14 states he receives a gross amount of \$30.00 per month. Until a recent court appearance in a
15 TPR case in which the Judge inquired about child support he has paid, Dustin has never
16 mentioned or offered any financial assistance to Megan for the children, leaving her to care
17 for and provide for them by herself.
18
19

20 Dustin is requesting a zero-child support order, the children have not reached the age
21 of 18 and are still his responsibility. Megan has had to bear the burden of providing for the
22 children and doing what she could to ensure they have all they need and have a good
23 upbringing.
24

25 Megan's intentions are for the child support arrears, once they are able to be collected,
26 to help the children to attend college or vocational school, so that they can have a career and a
27 positive start to their adult life. Dustin is requesting the arrears be wiped out back to his date
28

1 of incarceration, having no consideration of how that would affect his children, only how it
2 affects him.

3 2. CONCLUSION

4 Megan does not agree to a zero-child support order, nor does she agree to reducing the
5 arrears to zero as that is not what is best for the children. Dustin's motion is frivolous and
6 does not take into consideration what is best for the children. Dustin still has a responsibility
7 to provide for his children; and the children deserve to have as normal a life as possible.
8 Dustin's circumstances are the result of his own choices and actions and the children should
9 not be punished because of them.
10

11 Therefore, Megan respectfully requests the court deny Dustin's Motion in total and
12 asks it to reduce to judgment the arrears of \$146,992.69 for the time period June 2013 through
13 February 2022, see Exhibit 1 Arrears Statement. If the court deems it necessary to adjust the
14 ordered Child Support amount; Megan request that amount only be adjusted from the date of
15 the filing of this Motion forward and that the court deny Dustin's request for a zero Child
16 Support amount and set it at what the court deems is fair and just for the children.
17
18

19 DATED this 14th day of March 2022.

20
21 *Megan Johnson*

22 Megan Johnson, Petitioner
23 4478 E. Quail Ave.
24 Las Vegas, NV 89120
25 Megan_kris@aol.com
26 Pro Se
27
28

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CERTIFICATE OF SERVICE

I certify the following is true and correct, that on March 14, 2022, service of the foregoing OPPOSITION TO MOTION AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT was made. Electronic service of the foregoing document was made in accordance with the Master Service List, pursuant to NEFCR9, as follows:

Dustin Barral, 2nd Petitioner
dustinbarral@yahoo.com

A copy was also mailed via 1st Class U.S. Mail, postage prepaid on March 14, 2022, addressed as follows:

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



Megan Johnson, Petitioner
4478 E. Quail Ave.
Las Vegas, NV 89120
megan_kris@aol.com
Pro Se

EXHIBIT "1"

PAYMENT HISTORY FOR NONCUSTODIAL PARENT (NCP) (starting with most recent month)NCP's Name: Dustin BarralYEAR: 2013YEAR: 2014YEAR: 2015

| Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid |
|--------------|--------------------|----------------|--------------|---------------------|----------------|--------------|---------------------|----------------|
| Jan | | | Jan | \$ 1,400.00 | \$ 0.00 | Jan | \$ 1,400.00 | \$ 0.00 |
| Feb | | | Feb | \$ 1,400.00 | \$ 0.00 | Feb | \$ 1,400.00 | \$ 0.00 |
| Mar | | | Mar | \$ 1,400.00 | \$ 0.00 | Mar | \$ 1,400.00 | \$ 0.00 |
| Apr | | | Apr | \$ 1,400.00 | \$ 0.00 | Apr | \$ 1,400.00 | \$ 0.00 |
| May | | | May | \$ 1,400.00 | \$ 0.00 | May | \$ 1,400.00 | \$ 0.00 |
| June | \$ 1,400.00 | \$ 0.00 | June | \$ 1,400.00 | \$ 0.00 | June | \$ 1,400.00 | \$ 0.00 |
| July | \$ 1,400.00 | \$ 0.00 | July | \$ 1,400.00 | \$ 0.00 | July | \$ 1,400.00 | \$ 0.00 |
| Aug | \$ 1,400.00 | \$ 0.00 | Aug | \$ 1,400.00 | \$ 0.00 | Aug | \$ 1,400.00 | \$ 0.00 |
| Sept | \$ 1,400.00 | \$ 0.00 | Sept | \$ 1,400.00 | \$ 0.00 | Sept | \$ 1,400.00 | \$ 0.00 |
| Oct | \$ 1,400.00 | \$ 0.00 | Oct | \$ 1,400.00 | \$ 0.00 | Oct | \$ 1,400.00 | \$ 0.00 |
| Nov | \$ 1,400.00 | \$ 0.00 | Nov | \$ 1,400.00 | \$ 0.00 | Nov | \$ 1,400.00 | \$ 0.00 |
| Dec | \$ 1,400.00 | \$ 0.00 | Dec | \$ 1,400.00 | \$ 0.00 | Dec | \$ 1,400.00 | \$ 0.00 |
| TOTAL | \$ 9,800.00 | \$ 0.00 | TOTAL | \$ 16,800.00 | \$ 0.00 | TOTAL | \$ 16,800.00 | \$ 0.00 |

YEAR: 2016YEAR: 2017YEAR: 2018

| Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid |
|--------------|---------------------|----------------|--------------|---------------------|----------------|--------------|---------------------|----------------|
| Jan | \$ 1,400.00 | \$ 0.00 | Jan | \$ 1,400.00 | \$ 0.00 | Jan | \$ 1,400.00 | \$ 0.00 |
| Feb | \$ 1,400.00 | \$ 0.00 | Feb | \$ 1,400.00 | \$ 0.00 | Feb | \$ 1,400.00 | \$ 0.00 |
| Mar | \$ 1,400.00 | \$ 0.00 | Mar | \$ 1,400.00 | \$ 0.00 | Mar | \$ 1,400.00 | \$ 0.00 |
| Apr | \$ 1,400.00 | \$ 0.00 | Apr | \$ 1,400.00 | \$ 0.00 | Apr | \$ 1,400.00 | \$ 0.00 |
| May | \$ 1,400.00 | \$ 0.00 | May | \$ 1,400.00 | \$ 0.00 | May | \$ 1,400.00 | \$ 0.00 |
| June | \$ 1,400.00 | \$ 0.00 | June | \$ 1,400.00 | \$ 0.00 | June | \$ 1,400.00 | \$ 0.00 |
| July | \$ 1,400.00 | \$ 0.00 | July | \$ 1,400.00 | \$ 0.00 | July | \$ 1,400.00 | \$ 0.00 |
| Aug | \$ 1,400.00 | \$ 0.00 | Aug | \$ 1,400.00 | \$ 0.00 | Aug | \$ 1,400.00 | \$ 0.00 |
| Sept | \$ 1,400.00 | \$ 0.00 | Sept | \$ 1,400.00 | \$ 0.00 | Sept | \$ 1,400.00 | \$ 0.00 |
| Oct | \$ 1,400.00 | \$ 0.00 | Oct | \$ 1,400.00 | \$ 0.00 | Oct | \$ 1,400.00 | \$ 0.00 |
| Nov | \$ 1,400.00 | \$ 0.00 | Nov | \$ 1,400.00 | \$ 0.00 | Nov | \$ 1,400.00 | \$ 0.00 |
| Dec | \$ 1,400.00 | \$ 0.00 | Dec | \$ 1,400.00 | \$ 0.00 | Dec | \$ 1,400.00 | \$ 0.00 |
| TOTAL | \$ 16,800.00 | \$ 0.00 | TOTAL | \$ 16,800.00 | \$ 0.00 | TOTAL | \$ 16,800.00 | \$ 0.00 |

DECLARATION

I declare under penalty of perjury the information I have provided on this application is true and correct to the best of my knowledge and belief and the statements contained herein are made for the purposes stated herein including, but not limited to, obtaining assistance in paternity and order establishment, and the enforcement and distribution of child support. By signing this application, I acknowledge the responsibilities as listed and agree to the services the Child Support Enforcement Program provides.

Megan Johnson

Name of Applicant (please print)

Megan Johnson

Signature of Applicant

3/14/2022

Date

PAYMENT HISTORY FOR NONCUSTODIAL PARENT (NCP) (starting with most recent month)NCP's Name: Dustin BarralYEAR: 2019YEAR: 2020YEAR: 2021

| Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid |
|--------------|---------------------|----------------|--------------|---------------------|----------------|--------------|---------------------|----------------|
| Jan | \$ 1,400.00 | \$ 0.00 | Jan | \$ 1,400.00 | \$ 0.00 | Jan | \$ 1,400.00 | \$ 0.00 |
| Feb | \$ 1,400.00 | \$ 0.00 | Feb | \$ 1,400.00 | \$ 0.00 | Feb | \$ 1,400.00 | \$ 0.00 |
| Mar | \$ 1,400.00 | \$ 0.00 | Mar | \$ 1,400.00 | \$ 0.00 | Mar | \$ 1,400.00 | \$ 0.00 |
| Apr | \$ 1,400.00 | \$ 0.00 | Apr | \$ 1,400.00 | \$ 0.00 | Apr | \$ 1,400.00 | \$ 0.00 |
| May | \$ 1,400.00 | \$ 0.00 | May | \$ 1,400.00 | \$ 0.00 | May | \$ 1,400.00 | \$ 0.00 |
| June | \$ 1,400.00 | \$ 0.00 | June | \$ 1,400.00 | \$ 0.00 | June | \$ 1,400.00 | \$ 0.00 |
| July | \$ 1,400.00 | \$ 0.00 | July | \$ 1,400.00 | \$ 0.00 | July | \$ 1,400.00 | \$ 0.00 |
| Aug | \$ 1,400.00 | \$ 0.00 | Aug | \$ 1,400.00 | \$ 0.00 | Aug | \$ 1,400.00 | \$ 0.00 |
| Sept | \$ 1,400.00 | \$ 0.00 | Sept | \$ 1,400.00 | \$ 0.00 | Sept | \$ 1,400.00 | \$ 0.00 |
| Oct | \$ 1,400.00 | \$ 0.00 | Oct | \$ 1,400.00 | \$ 0.00 | Oct | \$ 1,400.00 | \$ 0.00 |
| Nov | \$ 1,400.00 | \$ 0.00 | Nov | \$ 1,400.00 | \$ 0.00 | Nov | \$ 1,400.00 | \$ 0.00 |
| Dec | \$ 1,400.00 | \$ 0.00 | Dec | \$ 1,400.00 | \$ 0.00 | Dec | \$ 1,400.00 | \$ 0.00 |
| TOTAL | \$ 16,800.00 | \$ 0.00 | TOTAL | \$ 16,800.00 | \$ 0.00 | TOTAL | \$ 16,800.00 | \$ 0.00 |

YEAR: 2022YEAR: YEAR:

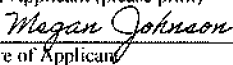
| Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid | Month | Amount Due | Amount Paid |
|--------------|--------------------|----------------|--------------|----------------|----------------|--------------|----------------|----------------|
| Jan | \$ 1,400.00 | \$ 4.16 | Jan | | | Jan | | |
| Feb | \$ 1,400.00 | \$ 3.15 | Feb | | | Feb | | |
| Mar | | | Mar | | | Mar | | |
| Apr | | | Apr | | | Apr | | |
| May | | | May | | | May | | |
| June | | | June | | | June | | |
| July | | | July | | | July | | |
| Aug | | | Aug | | | Aug | | |
| Sept | | | Sept | | | Sept | | |
| Oct | | | Oct | | | Oct | | |
| Nov | | | Nov | | | Nov | | |
| Dec | | | Dec | | | Dec | | |
| TOTAL | \$ 2,800.00 | \$ 7.31 | TOTAL | \$ 0.00 | \$ 0.00 | TOTAL | \$ 0.00 | \$ 0.00 |

DECLARATION

I declare under penalty of perjury the information I have provided on this application is true and correct to the best of my knowledge and belief and the statements contained herein are made for the purposes stated herein including, but not limited to, obtaining assistance in paternity and order establishment, and the enforcement and distribution of child support. By signing this application, I acknowledge the responsibilities as listed and agree to the services the Child Support Enforcement Program provides.

Megan Johnson


Name of Applicant (please print)



Signature of Applicant

3/14/2022

Date



MOFI

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

Megan Johnson f/n/a Barral

Plaintiff/Petitioner

V.

Dustin Barral

Defendant/Respondent

Case No. D-12-458737-Z

Dept. W

**MOTION/OPPOSITION
FEE INFORMATION SHEET**

Notice: Motions and Oppositions filed after entry of a final order issued pursuant to NRS 125, 125B or 125C are subject to the reopen filing fee of \$25, unless specifically excluded by NRS 19.0312. Additionally, Motions and Oppositions filed in cases initiated by joint petition may be subject to an additional filing fee of \$129 or \$57 in accordance with Senate Bill 388 of the 2015 Legislative Session.

Step 1. Select either the \$25 or \$0 filing fee in the box below.

| | | |
|---|-------------|---|
| <input type="checkbox"/> | \$25 | The Motion/Opposition being filed with this form is subject to the \$25 reopen fee. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$0 | The Motion/Opposition being filed with this form is not subject to the \$25 reopen fee because: |
| <input type="checkbox"/> The Motion/Opposition is being filed before a Divorce/Custody Decree has been entered. | | |
| <input checked="" type="checkbox"/> The Motion/Opposition is being filed solely to adjust the amount of child support established in a final order. | | |
| <input type="checkbox"/> The Motion/Opposition is for reconsideration or for a new trial, and is being filed within 10 days after a final judgment or decree was entered. The final order was entered on _____. | | |
| <input type="checkbox"/> Other Excluded Motion (must specify) _____. | | |

Step 2. Select the \$0, \$129 or \$57 filing fee in the box below.

| | | |
|-------------------------------------|--------------|--|
| <input type="checkbox"/> | \$0 | The Motion/Opposition being filed with this form is not subject to the \$129 or the \$57 fee because: |
| | | <input type="checkbox"/> The Motion/Opposition is being filed in a case that was not initiated by joint petition. |
| | | <input type="checkbox"/> The party filing the Motion/Opposition previously paid a fee of \$129 or \$57. |
| -OR- | | |
| <input type="checkbox"/> | \$129 | The Motion being filed with this form is subject to the \$129 fee because it is a motion to modify, adjust or enforce a final order. |
| -OR- | | |
| <input checked="" type="checkbox"/> | \$57 | The Motion/Opposition being filing with this form is subject to the \$57 fee because it is an opposition to a motion to modify, adjust or enforce a final order, or it is a motion and the opposing party has already paid a fee of \$129. |

Step 3. Add the filing fees from Step 1 and Step 2.

| | | | | | | | | | | | |
|---|------------|--------------------------|-------------|-------------------------------------|-------------|--------------------------|-------------|--------------------------|--------------|--------------------------|--------------|
| The total filing fee for the motion/opposition I am filing with this form is: | | | | | | | | | | | |
| <input type="checkbox"/> | \$0 | <input type="checkbox"/> | \$25 | <input checked="" type="checkbox"/> | \$57 | <input type="checkbox"/> | \$82 | <input type="checkbox"/> | \$129 | <input type="checkbox"/> | \$154 |

Party filing Motion/Opposition: Megan Johnson Date 3/14/22

Signature of Party or Preparer /s/ Megan Johnson

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
66 - 79
WILL FOLLOW VIA
U.S. MAIL**

DISTRICT COURT
CLARK COUNTY, NEVADA

Electronically Filed
3/15/2022 10:24 AM
Steven D. Grierson
CLERK OF THE COURT



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

Case No.: D-12-458737-Z
Department W

NOTICE OF HEARING

Please be advised that the Motion to Modify Child Custody, Visitation and Child Support in the above-entitled matter is set for hearing as follows:

Date: April 19, 2022
Time: 1:30 PM
Location: Chambers
Regional Justice Center
200 Lewis Ave.
Las Vegas, NV 89101

NOTE: Under NEFCR 9(d), if a party is not receiving electronic service through the Eighth Judicial District Court Electronic Filing System, the movant requesting a hearing must serve this notice on the party by traditional means.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

**DISTRICT COURT
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
Department W

NOTICE OF HEARING

Please be advised that the Motion to Modify Child Custody, Visitation and Child Support in the above-entitled matter is set for hearing as follows:

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200 Lewis Ave.
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STEVEN D. GRIERSON, CEO/Clerk of the Court

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

CERTIFICATE OF SERVICE

I hereby certify that pursuant to Rule 9(b) of the Nevada Electronic Filing and Conversion Rules a copy of this Notice of Hearing was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

By: /s/ Cecilia Dixon
Deputy Clerk of the Court

Heather J. Smith
CLERK OF THE COURT

1 DUSTIN BARRAL #1108615

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff, in Pro Se

6

7

DISTRICT COURT

8

FAMILY DIVISION

9

CLARK COUNTY, NEVADA

10

11 DUSTIN JAMES BARRAL,

CASE No. : D-12-458737-Z

12 PLAINTIFF,

DEPT : W

13 vs.

14 MEGAN ELIZABETH JOHNSON,

CHAMBER DECISION: April 19th at 1:30pm

15 DEFENDANT,

16

17 RESPONSE TO OPPOSITION TO MOTION AND NOTICE OF MOTION TO
18 MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT

19 Comes Now, DUSTIN BARRAL, Plaintiff in pro se, responding to Mrs. Johnson's
20 OPPOSITION TO MOTION AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, VISITATION,
21 AND/OR CHILD SUPPORT. This response is made on all the papers and pleadings on
22 file herein the FILERS, Response to Opposition's Facts, Response to Allegations, and any
23 oral arguments that may be heard at the time of hearing of this Motion.

RECEIVED

MAR 27 2022

CLERK OF THE COURT

24
25 FACTS OF CASE

26 On February 28th, 2022 Mr. Barral sent the court and Mrs. Johnson
27 his request to have his Child Support Order modified. On March 29th, 2012
28 a divorce decree and subsequent child support order were jointly agreed to

1 by her partner Mr. Baral has been incarcerated since May 31st, 2013, which
 2 is widely known and accepted by Mrs. Johnson. From October 2013 to September
 3 2016 Mr. Baral was appearing his 35 years to life sentence which was
 4 authored by the above Supreme Court in 2010. From September 2016
 5 to September 2017 Mr. Baral was in CCR awaiting trial/ negotiating a
 6 plea deal. Until sentencing in September 2017 Mr. Baral did not know what
 7 his sentence was going to be. Mr. Baral was sentenced to a 10 years 4 months -
 8 26 years, receiving credit for the time already served.

9 Mr. Baral and Mrs. Johnson have had an adversarial relationship that
 10 borders on hostile ever since Mr. Baral's incarceration. The culmination
 11 of this being when Mrs. Johnson filed her ~~the~~ case in September 2021, which
 12 was brought before this court and Judge Redekau. In December 2021
 13 Mrs. Johnson, of her own free will, voluntarily asked the Court to discuss
 14 her motion. Said motion was discussed even though Mr. Baral objected.
 15 In the December 2021 TPR hearing, Mr. Baral learned for the first time
 16 that he could modify his child support by Judge Redekau. He was informed
 17 that his opposition to the TPR motion was not the appropriate vehicle to
 18 modify his child support, that he had to reopen his divorce decree to do this.

ARGUMENT

I. NEVADA LAW PERTAINING TO CASE

22 According to NRS 125B.145 "A child support order must be reviewed
 23 by the court every three years upon request of a parent or guardian. A
 24 child support order may be reviewed at any time on the basis of changed
 25 circumstances. A change in 20% or more in the gross monthly income of
 26 a person subject to a child support order shall be deemed changed
 27 circumstances. Mr. Baral suffered a change of 100% in gross monthly
 28 income in May 2013. The phrase "at any time" means that there is no

1 time limit to bring up the basis of changed circumstances. If there is no
2 time bar placed upon Mr. Barral then the court has every right to
3 back date his request to modify child support.
4 In *Barbagallo v. Barbagallo* it states "Although all of the items in former
5 subdivision (8) (see now present subdivision (9)) may be regarded, clearly they
6 need not be given equal weight since what really matters in these
7 cases is whether the children are being taken care of as well as
8 possible under the financial circumstances in which the two parents find
9 themselves and greater weight must be given to the standard of living
10 and circumstances of each parent, their earning capacities and the
11 relative financial means of the parents than to any of the other factors."
12 *Barbagallo v. Barbagallo*, 105 Nev. 546, 779 P.2d 532, 1989 Nev. LEXIS 265
13 (Nev. 1989), amended, 780 P.2d 673, 1990 Nev. LEXIS 1070 (Nev. 1990).
14 When this court and others decide whether or not to modify a
15 child support order, what matters is if the children are being taken care of as
16 well as possible under the financial circumstances in which the two parents
17 find themselves and greater weight must be given to the standard of living
18 and circumstances of each parent, their earning capacities and the relative
19 financial means of the parent than to any other factors. According to Mrs.
20 Johnson in the December 2021 TPR hearing, she voluntarily dropped her
21 motion because she did not have the money to afford an attorney. She
22 would rather keep the children in their private Christian school, take them
23 on trips and see to their level of care than spend money on an
24 attorney to terminate Mr. Barral's parental rights. If the court looks
25 at the current financial circumstances of Mr. Barral and Mrs. Johnson,
26 the children are doing amazing. Without any help from Mr. Barral,
27 Mrs. Johnson has their children going to a private Christian school,
28 takes them on various trips out of town, and sees to their daily

1 needs.

2 But greater weight must be given to the standard of living and
3 circumstances of each parent, their earning capacity and relative
4 financial means. The court should first look at Mr. Barral's situation.
5 He is considered a ward of the State and has been for almost 9 years. He
6 lives in a cell that is 12' x 7' with another man. He works 4-5 hours
7 Monday - Friday all month for \$30, which after room and board and fees
8 he collects \$21/month. Mr. Barral faces unemployment and level reduction
9 constantly if for whatever reason a correctional officer may choose to
10 write him up. To really look at Mr. Barral's earning capacity the
11 court needs to focus on when he is released from prison. Mr. Barral is
12 a felon and even worse he is a sex offender. Popular statistics say that
13 a felon will have to go to 40 interviews to obtain employment, whereas
14 a sex offender will have to go to 4-5x's more interviews to get a job.
15 Mr. Barral will have to go through 150-200 interviews to receive
16 employment. According to *Nothrup v. State* "Recommendation was
17 presumably based on the court master's projection of the father's gross
18 monthly income upon the unspecified future date of his release from
19 prison, though the court master made no findings as to the father's
20 ability to secure employment." *Nothrup v. State*, 132 Nev. 1012, 2016 Nev.
21 LEXIS 481 (Nev. 2016). In light of Mr. Barral's status as a sex offender, this
22 court must take notice of his ability to secure employment upon release.

23 Next the court must look at Mrs. Johnson's situation. Her standard
24 of living is that of a middle class citizen. Her earning capacity shows
25 that she has a good, steady job with periodic bonuses and that she
26 has the opportunity to advance. Based on Mrs. Johnson's FDF her life
27 seems pretty good but there is a HUGE problem with her FDF. Mrs.
28 Johnson lied on her FDF and misled the court. Mrs. Johnson currently

1 lives at 4478 E. Quail Ave Las Vegas, NV 89120 with her husband, Kris
2 Johnson, plus our two children and their daughter. Also living at this address
3 are Kris Johnson's parents, who own the house. On page 5 of the FDF
4 under Household Information item C states "Fill in the table below with
5 the names, ages, and amount of money contributed by all persons living
6 in the house over the age of 18." Mrs. Johnson has this section blank
7 even though three other adults reside at this address. At the very
8 least Kris Johnson should be listed here with his contributions. Mrs.
9 Johnson sends the children to private school and takes them on numerous
10 trips because they live with his parents. They have lived with them
11 since 2013 except for a brief time living in Sandy Valley. This must be
12 taken into account because it goes to show that the current status
13 quo is better than Mr. Barral can provide. Mrs. Johnson does work hard
14 but only pays a fraction of what a normal person would who doesn't
15 live with their in-laws. So Mrs. Johnson's standard of living and
16 circumstances are vastly different than what her FDF states to the court.
17 Additionally, Mr. Barral seeks that this court, specifically Judge Rocheleau,
18 subject Mrs. Johnson to punishment including contempt of court because
19 she perjured herself by lying on her FDF. This was done intentionally
20 to sway the court's favor.

21 "The basis for deviation must be found in the unfairness, the injustice,
22 which may result to the secondary custodian." Lewis v. Hides, 108 Nev.
23 1107, 843 P.2d 828, 108 Nev. Adv. Rep. 173, 1992 Nev. LEXIS 205. To keep
24 Mr. Barral at his current child support order is not only unfair but
25 is unjust. To not erase or severely reduce the arrears that Mr. Barral
26 owes due to coming to prison would bankrupt him and can be seen as
27 unjust and unfair due to the fact that Mr. Barral only learned that he
28 could modify his support order back in December 2021 by Judge Rocheleau.

1 From 2013-2017, Mr. Barral was appealing his criminal conviction and
2 then fighting his criminal case; not knowing how much time he would do.
3 Child support was a secondary focus to both parties at the time. Mr. Barral
4 tried many times to come to a verbal agreement with Mrs. Johnson over
5 arrears. If Mr. Barral knew he could fill out a motion and modify his
6 child support order, he would have done so. Ignorance is not an excuse but
7 a valid argument for backdating his modification to his child support
8 order. Many other judges in the State of Nevada have found that prisoners
9 have no ability to pay child support. This court should follow this and
10 grant Mr. Barral his request to modify his child support order and back
11 date the request to May 31st, 2013 wiping out his arrears.

13 II. RESPONSE TO OPPOSITION'S FACTS OF CASE

14 In Mrs. Johnson's Opposition under FACTS, she states that both parties
15 filed jointly and were in total agreement that this includes the Child Support
16 set in the Decree. The truth is Mr. Barral and Mrs. Johnson were in total
17 agreement on all issues—the divorce, property, custody, visitation, and
18 child support. Yet Mrs. Johnson for the past almost 9 years has willfully
19 refused to comply by the visitation schedule that both parties agreed
20 to. During their TPR case, she told Judge Rocheleau that she wouldn't
21 let the children have a relationship with their father, Mr. Barral, even
22 if Judge Rocheleau ordered her to. Mrs. Johnson wants her cake and eat it
23 too; she wants to hold Mr. Barral to the agreement even though she does
24 not follow it. Mrs. Johnson willfully omits this in her opposition so the
25 court can't consider it.

26 This court must recognize that even though Mrs. Johnson has a
27 right to oppose and request that Mr. Barral's motion be denied in total,
28 that Mr. Barral is well within his right and the law to have requested

- 1 this modification and have it granted. The court must also recognize that Mrs.
- 2 Johnson is outside the law and has no right to deny Mr. Barral a
- 3 relationship with their children. That she could've sought legal remedies
- 4 but instead does so illegally. She did file a TPR only to voluntarily withdraw
- 5 it and has not filed any other action against Mr. Barral.

6 7 III RESPONSE TO ALLEGATIONS

8 Mrs. Johnson has made many allegations regarding Mr. Barral in her
9 Opposition to try and get this court to deny his Motion to Modify Child Support.
10 Mrs. Johnson's allegations are that Mr. Barral had paid attorneys for his appeal
11 yet he did not contribute to the children, that he never worked or offered
12 any financial assistance until the most recent court appearance, that he
13 made no effort to pay child support until January 2022, and that he has not
14 considered how his motion would affect the children. She also states
15 that the years of unpaid child support will go to the children's future, to help
16 them go to college or trade school. She believes that the court should deny
17 Mr. Barral's motion just because he didn't file until February 2022.

18 Mr. Barral did have paid attorneys for his appeal, those attorneys were
19 the same ones that represented him during his criminal trial. His paid
20 attorneys also took a significant discount to represent him during his appeal.
21 Mr. Barral's attorneys were paid by his mother, Susan Zupancic, and his
22 grandmother, Judy Zupancic. His family took care of all costs associated with
23 his appeal. Mr. Barral was incarcerated and had no way to pay for anything.
24 For Mrs. Johnson to bring this up is to try and make Mr. Barral look bad in front
25 of this court. Rather than telling the truth, which she is fully aware of whom
26 paid for his appeal, she tells half-truths. Additionally it should be noted that
27 from 2011-13, Mr. Barral not only paid his attorneys but also paid child
28 support, showing that he would've taken care of the children if he was able to.

1 Mrs. Johnson's next allegation(s) is that Mr. Barral never mentioned or
2 offered any financial assistance until the most recent court appearance and
3 that he made no effort to pay child support until January 2027. Mrs. Johnson
4 is absolutely lying to the court with these allegations. After losing his trial in
5 2013, Mr. Barral told his mother, Susan Zancic, to give Mrs. Johnson his
6 last paycheck which totaled over \$400.00. Over a series of phone calls between
7 2014-17, Mr. Barral tried to settle his arrears for child support with Mrs.
8 Johnson. Mr. Barral offered her a lump sum of \$5000.00 to be paid upon
9 his release and even increased the amount to \$8000.00. At first each offer
10 was met with a wait until your appeal is over response, so both parties would
11 know how much time he would have to do. After Mr. Barral won his appeal
12 Mrs. Johnson wouldn't talk about child support at all. In November 2020, Mr.
13 Barral called Mrs. Johnson to discuss child support. He just got a pay number in
14 the culinary (first time earning pay while incarcerated) and asked her if she
15 wanted the \$3.15 that she would get for child support. She responded with disbelief
16 and sarcasm saying what would she do with that. So Mr. Barral did not see
17 the point in sending his little bit until it was brought up in court by Judge
18 Bercheleau. During the TPR battle Mr. Barral sent a settlement offer via email on
19 December 14th, 2021 to her. She replied back the same day refusing all of Mr.
20 Barral's request including modifying child support except to drop the TPR. In
21 the offer Mr. Barral asked for the same thing that he is asking for in his motion.
22 Mr. Barral has made various efforts to try and resolve his arrears with
23 Mrs. Johnson and yes he could've paid child support in spite of her sarcasm
24 but he did try with her. Additionally the court should note that Mrs. Johnson
25 never sought money directly from Mr. Barral. Instead she would contact his
26 mother to pay for something for the children proving that she knew he had no
27 money. She always asked for more than his mother could actually afford.
28 Mrs. Johnson never took into consideration that Mr. Barral's mother was

1 taking care of herself, her mother and sister, and paying for her sons' appeal. It's
 2 not that Mr. Baral or his mother didn't want to take care of his children,
 3 it was that the amount Mrs. Johnson asked for was always more than his
 4 mother could afford. This is the leading reason why Mrs. Johnson cut his
 5 mother off from seeing the children.

6 Mrs. Johnson alleges that the court should deny Mr. Baral's motion
 7 outright or at least deny the back, oblong of the modification to child
 8 support because she will use the arrears to send the children to college or

9 back schools. She has for almost 9 years not cared one ounce for child

10 support. She recently filed a TPE motion to remove Mr. Baral from their
 11 children's life. No where in that motion or during the hearings did she speak

12 up about the arrears of child support. If it wasn't a concern for her just a few
 13 months ago then why is it an issue now? This court can recall or pull

14 up the transcripts of the TPE hearing in December 2021 when Mr. Baral
 15 and Judge Redden are discussing modifying his child support. Mrs. Johnson

16 never voiced an objection to him seeking his modification. Mr. Baral wants
 17 the best for his children and will do everything in his power to do so

18 when he gets released from prison. To hold Mr. Baral to the old child
 19 support agreement even though he has had zero income while incarcerated would cost

20 Mr. Baral \$147,000. This would bankrupt him and could quite possibly
 21 send him back to prison if he is unable to pay. Seeing how high this

22 number is it could be assumed that putting Mr. Baral back in prison is
 23 Mrs. Johnson's intent for opposing his modification of child support motion. She

24 has said in this very court that she would not let her children have any
 25 contact with Mr. Baral. She has been very hostile to Mr. Baral and never

26 has been willing to negotiate with him. She has never been willing
 27 to give any take. This court must infer that her intentions in this matter

28 are to negatively impact Mr. Baral because she didn't think that she could
 29

1 win her TPR motion. It should be said again, if child support wasn't an
2 important issue to her just a few months, then why is it now? It
3 should also be noted to the court that Mrs. Johnson is opposing Mr. Barral
4 to seek the arrears for use of the children after they turn 18. Mr. Barral
5 has a responsibility to the children only until they turn 18 like she points out.
6 Shouldn't child support be used for them right now? If it's saved until they
7 are adults then it is not child support. Mr. Barral wants to see his
8 children succeed and earn a living doing whatever they enjoy. He will do
9 this upon his release and help them with post high school plans. That
10 is if his children want anything to do with him. Mrs. Johnson has made it
11 painfully aware to Judge Rocheleau that she raised the children to want
12 nothing to do with their father.
13 The last thing that needs to be addressed is intent. The dictionary defines intent
14 as "the state of mind with which an act is done; purpose". It is not Mr. Barral's
15 intent to harm his children, he considers them in every action he takes. The divorce
16 decree and subsequent child support order both parties agreed to is no longer
17 a viable agreement. The arrears are phantom money, they do not exist in any
18 tangible form right now. The children should know nothing about it or the amount.
19 If they do know it is Mrs. Johnson's intent to use this as another wedge between
20 Mr. Barral and his children.

21

22

Conclusion

23 Mr. Barral has asked this court to reduce his child support monthly
24 payments down to \$0 and back date this to May 31st, 2013. Mrs. Johnson
25 would like the court to believe Mr. Barral is selfish and not concerned with the
26 well-being of the children, yet she intentionally lied and misled the court with
27 her F.D.F. The children are doing exceedingly well living with her, her husband,
28 and her in-laws. Mr. Barral has addressed all allegations made by Mrs. Johnson

1 and show the lies and omissions contained in each.
2 Mr. Barral has made it clear to the court that he did not know that he
3 could modify his child support order while incarcerated. Since learning that
4 he could modify he has made every effort to do so in a timely manner. Mr.
5 Barral's motion should be heard and granted on the merits of his
6 incarceration and back dated as such. There is no time limit on this and
7 this court has the ability to back date the order and should do so. Mrs.
8 Johnson's Opposition shouldn't be considered due to the lies, half truths,
9 and omissions contained in it. Her opposition doesn't accurately reflect Mr.
10 Barral and his situation nor her situation. Mr. Barral is not looking to
11 get out of paying child support nor is he refusing to take care of his children.
12 Mr. Barral is just trying to get his life back on track so that when he gets
13 out he will be able to succeed and provide for his children. The best way for
14 this to happen is for the court to reduce his monthly payments to \$0
15 while in prison and back date the order to May 31st, 2013 wiping out his
16 arrears. Then order that upon his release his payments will increase to
17 \$100.00/month while unemployed and then when he gains employment
18 it will be raised to the required 25%. This is best for Mr. Barral
19 and his children.

20
21 I declare under penalty of perjury under the laws of the State of
22 Nevada that the following is true and correct to my knowledge and doesn't
23 contain the social security number of any person.

24
25 March 21st, 2022

26 

27 DUSTIN BARRAL

CERTIFICATE OF SERVICE

2 I hereby declare that I provided a true and accurate copy of the foregoing response to motions and notice of motions to
 3 modify child custody, visitation, and/or child support was sent to
 4 the following address(es) via 1st class U.S. Mail on March 21st, 2022.

8 Megan Johnson
 9 1478 E. Oval Ave
 10 LV, NV 89120

14 Excluded on March 21st, 2022


 JUSTIN BAROFF



REPLY

Megan Johnson, Petitioner
4478 E. Quail Ave.
Las Vegas, Nevada 89120
(702) 748-2641
Megan_kris@aol.com
Pro Se

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

Megan Johnson f/k/a: Megan Barral,

Joint Petitioner,

vs.

Dustin James Barral,

Joint Petitioner.

CASE NO.: D-12-458737-Z
DEPT NO.: W

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

COMES NOW, Petitioner, Megan Johnson, Pro Se, and hereby opposes Petitioner, Dustin Barral's, "RESPONSE TO OPPOSITION TO MOTION AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT".

This Reply is made and based on all the papers and pleadings on file herein, the Facts attached hereto and any oral argument that may be heard at the time of the hearing of this Motion.

1. REPLY

Mr. Barral's response is basically indicating he feels he should be relieved of his child support obligation and any arrears due to the fact that his and my children are doing okay and

1 being provided for without his support. I again ask the court to deny his request in full as Mr.
2 Barral has a responsibility to provide for his children.

3 Since this case is at the statutory time for a modification and there has been a change
4 of 20% or more the court needs to review and set child support accordingly. I only ask that
5 the court take into consideration of what is best for the children as that is what I am concerned
6 with. Below I will respond to his allegations that are relevant to the matters before the court.
7

8 In regards to the allegation that I lied on my FDF, I deny that accusation. My current
9 husband who has several health issues has not worked since April 11, 2019, which is why there
10 are no contribution showing for him. He helps with the kids in between home schooling and
11 taking them to a small church school that currently has 7 students. As for this school their
12 tuitions are paid as follows, Levi is on a scholarship and Joshua's tuition is paid for by his
13 Great Grandmother (current husbands' grandmother) as she works at the school to pay for
14 Joshua. My current husband and I have to the pay fees for books, registration and periodic
15 items that come due during the school year. As for my in laws, they do not provide regular
16 support for my family. My in-laws spend time in between their property in Pioche, NV and
17 here in Las Vegas. They do not contribute regular support for my family, my husband and I
18 pay a small amount for rent to stay in their home as well as a travel trailer we have. We also
19 help our in-laws take care of the home here in Las Vegas. We pay our own groceries and
20 contribute to the utilities as best we can. All of the expenses I pay are listed on the FDF. My
21 in-laws are not listed on my FDF as they are not part of my financial responsibility, they
22 provide for themselves. I respectfully request that the court deny Mr. Barral's request for
23 sanctions.
24
25
26
27
28

1
2 Again, I would just like to state for the record Mr. Barral's current situation is due to
3 the decisions and choices he has made and the children should not be punished because of
4 them. The children are the responsibility of Mr. Barral and myself, no one else.

5 As for the children being well taken care of I am glad that Mr. Barral sees that I have
6 done the best I can due to the circumstances.

7
8 Again, I would like to restate that Dustin made no effort until January 2022, to pay
9 anything towards the support of his children. For January 2022 and February 2022, he sent
10 25% of his alleged net income of \$20.00 per month, which was a total payment of \$7.31.
11 Dustin since June 2013 has never mentioned or offered any financial assistance to me for the
12 children, leaving me to care for and provide for them by myself. Dustin is requesting a zero-
13 child support order, the children have not reached the age of 18 and are still his responsibility.
14 I have had to bear the burden of providing for the children and doing what I could to ensure
15 they have all they need and have a good upbringing.
16
17

18 2. CONCLUSION

19 I would like to restate I do not agree to a zero-child support order, nor do I agree to
20 reducing the arrears to zero as that is not what is best for the children. Dustin still has a
21 responsibility to provide for his children; and the children deserve to have as normal a life as
22 possible. Dustin's circumstances are the result of his own choices and actions and the children
23 should not be punished because of them.
24

25 I, respectfully request the court deny Dustin's Motion in total and request that as the
26 court reviews modifying the Child Support amount that it only be adjusted from the date of
27
28

1 the filing of Dustin's Motion forward and that the court deny Dustin's request for a zero Child
2 Support amount and set it at what the court deems is fair and just for the children.

3 DATED this 1st day of April 2022.

4
5 *Megan Johnson*

6 Megan Johnson, Petitioner
7 4478 E. Quail Ave.
8 Las Vegas, NV 89120
9 Megan_kris@aol.com
Pro Se

10 **CERTIFICATE OF SERVICE**

11 I certify the following is true and correct, that on April 1, 2022, service of the
12 foregoing REPLY TO RESPONSE TO OPPOSITION TO MOTION AND NOTICE OF
13 MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT
14 was made. Electronic service of the foregoing document was made in accordance with the
15 Master Service List, pursuant to NEFCR9, as follows:

16 Dustin Barral, 2nd Petitioner
17 dustinbarral@yahoo.com

18 A copy was also mailed via 1st Class U.S. Mail, postage prepaid on April 1, 2022,
19 addressed as follows:

20 Dustin Barral, #1108615
21 LCC
22 1200 Prison Rd.
23 Lovelock, NV 89419

24 *Megan Johnson*

25 Megan Johnson, Petitioner
26 4478 E. Quail Ave.
27 Las Vegas, NV 89120
28 megan_kris@aol.com
Pro Se

Heather H. Hemin
CLERK OF THE COURT

1 DUSTIN BARRAL #11086015

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff, in Pro Se

6

7

DISTRICT COURT

8

FAMILY DIVISION

9

CLARK COUNTY, NEVADA

10

11 DUSTIN JAMES BARRAL,

CASE NO. : D-12-458737-Z

12 PLAINTIFF,

DEPT : W

13 VS,

14 MEGAN ELIZABETH JOHNSON,

CHAMBER DECISION: April 19th at 1:30pm

15 DEFENDANT,

16

17 RESPONSE TO REPLY TO RESPONSE TO OPPOSITION TO MOTION AND NOTICE

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

19 COMES NOW, DUSTIN BARRAL, Plaintiff in pro se, responding to Mrs.

20 JOHNSON'S REPLY TO RESPONSE TO OPPOSITION TO MOTION AND NOTICE

21 OF MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHILD SUPPORT. This

22 response is made on all the papers and pleadings on file herein the

23 response and any oral arguments that may be heard at the time
24 of hearing of this motion.

25

26

RESPONSE

27 Mrs. Johnson, in her reply, addresses very little of Mr. Barral's arguments.

28 Mr. Barral when accusing her of lying on her FDF, does step back his

RECEIVED

APR 11 2022

CLERK OF THE COURT

✓
1 request for contempt of court, but Mrs. Johnson still perjured herself. She
2 admits that Kris Johnson's parents do spend time living in the house.
3 While it may not be 100% of the time but they are still splitting time
4 between Mrs. Johnson's address and their property in Pioche. The FDF
5 does not ask for who she pays for or is in her household. It asks for
6 anyone living in the home, meaning the address they live at, over the
7 age of 18. It's hard to believe that Mrs. Johnson's in-laws don't help
8 pay for the bills in the house. In her FDF, she states that she pays
9 \$50.00 for electricity and \$25.00 for gas. As a former home owner in Las
10 Vegas, one doesn't pay only \$75 for electricity and gas. Next, in her reply
11 she mentions a travel trailer they own. Yet it is not listed anywhere
12 on her FDF. It is an asset but she doesn't claim it. Mr. Barral will
13 succeed that since Kris Johnson doesn't work that he doesn't belong on
14 the list, unless he gets disability. But he does want to point out that
15 Kris Johnson worked until 2019. So from 2013-2019 there were two
16 incomes in the house, probably one of the reasons Mrs. Johnson never
17 sought child support through the state. If Kris Johnson is unable to
18 work due to illness then why hasn't he gotten SSDI? Since he is not able
19 to even work at a convenience store, fast food restaurant, or grocery store, then
20 his illness is debilitating. One last thing to mention is that during
21 the TPR, Mrs. Johnson mentioned she couldn't afford an attorney because
22 it would take away from our children going to private school and go on
23 trips. If Mrs. Johnson doesn't pay for their schooling then why was it such
24 a big issue.

25 Next, Mrs. Johnson does not offer any legal basis for asking the judge
26 to deny Mr. Barral's motion nor does she deny any points that Mr.
27 Barral makes in his Response to Allegations. Mrs. Johnson's whole argument
28 boils down to what is in the best interest of the children. Whereas Mr. Barral

1 points out in *Barbagallo v. Barbagallo* it says that what matters is how
 2 well the children are being taken care of and the parents standard of
 3 living and circumstances, earning capacity, and behavior financial means
 4 with greater weight given to the last three items. Mrs. Johnson isn't
 5 seeking arrears for immediate use. No, she is seeking them for after
 6 the children turn 18 for college or trade school, which isn't the role of
 7 child support. Mr. Baral states that he loves his children and will do
 8 everything in his power to help them go to college or trade school when
 9 that time comes.
 10 Mrs. Johnson keeps arguing that Mr. Baral offered no support for
 11 the children before January 2022. Mr. Baral only because she to pay
 12 support in October/November of 2020, which Mrs. Johnson didn't want due
 13 to the small amount. Mrs. Johnson knew Mr. Baral was in prison and
 14 unemployed. How did she expect him to pay child support then?

Conclusion

17 Mr. Baral has shown this court that he is lawfully and legally
 18 within his right to request a zero order child support order and equally
 19 within his rights to have his arrears erased. Mrs. Johnson has offered
 20 zero legal standing for this court to deny Mr. Baral's motion and only
 21 seeks arrears for after the children turn 18. Mr. Baral does believe
 22 Mrs. Johnson has done a good job raising their children with the
 23 love exception of refusing to let their children have a relationship with
 24 him. She has made it clear to the court in the TPR hearing
 25 that she didn't need or want Mr. Baral's support. This court must see
 26 that Mr. Baral has tried to reduce his arrears privately with Mrs.
 27 Johnson and from this can infer that Mr. Baral has been focused
 28 on maintaining his child support/ arrears for many years. This court

1 can and should modify Mr. Barral's Child Support Order as requested in
2 his original motion. The children nor Mrs. Johnson, will not come
3 to any harm if the motion is granted.

4
5 I declare under penalty of perjury under the law of the State of
6 Nevada that the following is true and correct to my knowledge and
7 doesn't contain the social security number of any person(s).

8
9 April 5th, 2022

10
11 

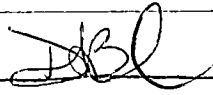
12 DUSTIN BARRAL

CERTIFICATE OF SERVICE

I hereby declare that I provided a true and accurate copy of
the foregoing RESPONSE TO REPLY TO RESPONSE TO OPPOSITION TO MOTION
AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR
CHILD SUPPORT was sent to the following address(es) via 1st Class U.S.
mail on April 5th, 2022.

Megan Johnson
4478 E. Quail Ave
LV, NV 89120

Executed on April 5th, 2022


DUSTIN BARRAL

Heather S. Smith

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

Date of Hearing: MINUTE ORDER

Time of Hearing:

ORDER FROM MINUTE ORDER

MINUTE ORDER – NO HEARING HELD

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.

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

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

5 The Court FINDS Dustin has been incarcerated since May 31, 2013 and is scheduled to
6 be paroled in September 2023. Pursuant to his Financial Disclosure Form filed March 14, 2022
7 he has no income, however in his moving papers he represents he makes \$30.00 per
8 month. After considering his Financial Disclosure Form and the representations in his Motion,
9 the Court FINDS Dustin's earning capacity is \$30.00 per month. The Court FINDS this is
10 more than a 20% change in his income since the entry of the Decree, which constitutes changed
11 circumstances and modification of the current order for support is appropriate.

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

17 IT IS HEREBY ORDERED Dustin's Motion to Modify Child support is
18 GRANTED. Dustin's obligation of child support shall be SUSPENDED commencing March
19 1, 2022.

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

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

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

3 NOTICE: IN ORDER TO ENSURE YOU RECEIVE PROPER NOTICE OF FUTURE
4 LEGAL ACTION IN THIS MATTER, YOU HAVE AN AFFIRMATIVE DUTY TO
5 UPDATE YOUR PERSONAL INFORMATION WITH THE CLERK OF THE COURT AND
6 TO SERVE THE OPPOSING PARTY WITH A COPY OF ANY SUCH CHANGE OF
7 INFORMATION FILED WITH THE COURT. YOUR FAILURE TO UPDATE YOUR
8 PERSONAL INFORMATION MAY RESULT IN SERVICE OF LEGAL PROCESS BEING
9 EFFECTUATED TO AN INVALID ADDRESS AND ADVERSE RELIEF BEING
10 GRANTED BY THE COURT.

11 The parents understand and acknowledge that, pursuant to the terms of the Parental
12 Kidnaping Prevention Act, 28 U.S.C. §1738A, and the Uniform Child Custody Jurisdiction and
13 Enforcement Act, NRS 125A.005, et seq., the courts of Nevada have exclusive modification
14 jurisdiction of the custody, visitation, and child support terms relating to the child at issue in
15 this case so long as either of the parents, or the child, continue to reside in Nevada.
16

17 **NOTICE IS HEREBY GIVEN** of the following provision of NRS 125C.0045(6):
18 PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR
19 DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A
20 CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every
21 person having a limited right of custody to a child or any parent having no right of custody to
22 the child who willfully detains, conceals, or removes the child from a parent, guardian or other
23 person having lawful custody or a right of visitation of the child in violation of an order of this
24 Court, or removes the child from the jurisdiction of the Court without the consent of either the
25
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28

1 Court of all persons who have the right to custody or visitation is subject to being punished for
2 a category D felony as provided in NRS 193.130.

3 **NOTICE IS HEREBY GIVEN** that the terms of the Hague Convention of October 25,
4 1980, adopted by the 14th Session of the Hague Conference on Private International Law,
5 apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also
6 put on notice of the following provision of NRS 125C.0045(8):

7 If a parent of the child lives in a foreign country or has significant commitments in a
8 foreign country:

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

12 (b) Upon motion of one of the parties, the Court may order the parent to post a
13 bond if the Court determines that the parent poses an imminent risk of wrongfully
14 removing or concealing the child outside the country of habitual residence. The bond
15 must be in an amount determined by the Court and may be used only to pay for the cost
16 of locating the child and returning him/her to his/her habitual residence if the child is
17 wrongfully removed from or concealed outside the country of habitual residence. The
18 fact that a parent has significant commitments in a foreign country does not create a
19 presumption that the parent poses an imminent risk of wrongfully removing or
20 concealing the child.
21

22 **NOTICE IS HEREBY GIVEN** that the parties are subject to the relocation
23 requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has
24 been established pursuant to an order, judgment or decree of a Court and one parent intends to
25 relocate his/her residence to a place outside of this State or to a place within this State that is at
26

1 such a distance that would substantially impair the ability of the other parent to maintain a
2 meaningful relationship with the child, and the relocating parent desires to take the child with
3 him/her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent
4 of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent
5 refuses to give that consent, petition the Court for permission to move and/or for primary
6 physical custody for the purpose of relocating. A parent who desires to relocate with a child has
7 the burden of proving that relocation with the child is in the best interest of the child. The Court
8 may award reasonable attorney's fees and costs to the relocating parent if the Court finds that
9 the non-relocating parent refused to consent to the relocating parent's relocation with the child
10 without having reasonable grounds for such refusal, or for the purpose of harassing the
11 relocating parent. A parent who relocates with a child pursuant to this section without the
12 written consent of the other parent or the permission of the Court is subject to the provisions of
13 NRS 200.359. The failure of a parent to comply with the provisions of this section may be
14 considered as a factor if a change of custody is requested by the non-custodial parent.
15

16 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS
17 Chapter 31A and NRS 425.560 regarding the collection of delinquent child support payments.

18 **NOTICE IS HEREBY GIVEN** that:

19 A. Pursuant to NRS 125B.140, if an installment of an obligation to pay support for a
20 child becomes delinquent, the court shall determine interest upon the arrearages at a rate
21 established pursuant to NRS 99.040, from the time each amount became due. Interest shall
22 continue to accrue on the amount ordered until it is paid, and additional attorney's fees must be
23 allowed if required for collection.
24

25 B. Pursuant to NRS 125B.145, an award of child support shall be reviewed by the court
26 at least every three (3) years to determine whether the award should be modified. The review
27
28

1 will be conducted upon the filing of a request by a (1) parent or legal guardian of the child; or
2 (2) the Nevada State Welfare Division or the District Attorney's Office. If the Division of the
3 District Attorney has jurisdiction over the case.

4 C. Pursuant to NRS 125.450(2), the wages and commissions of the parent responsible
5 for paying support shall be subject to assignment or withholding for the purpose of payment of
6 the foregoing obligation of support as provided in NRS 31A.020 through 31A.240, inclusive.

7 **NAC 425.165 - If the child support order is for more than one child and does not allocate**
8 **a specific amount to each child, the following notice must be added:**

9 **NOTICE IS HEREBY GIVEN** that if either party wants to adjust the amount of child
10 support established in this order, they must file a motion to modify the order with or submit a
11 stipulation to the court. If a motion to modify the order is not filed or a stipulation is not
12 submitted, the child support obligation established in this order will continue until such time as
13 all children who are the subject of this order reach 18 years of age or, if the youngest child who
14 is subject to this order is still in high school when he/she reaches 18 years of age, when the
15 child graduates from high school or reaches 19 years of age, whichever comes first. Unless the
16 parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify
17 the order will be effective as of the date the motion was filed.
18

19 Dated this 14th day of April, 2022

20 
21

22 **B7B BB8 9303 2CAF**
23 **Stacy M. Rocheleau**
24 **District Court Judge**
25
26
27
28

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 In the Matter of the Joint Petition CASE NO: D-12-458737-Z
7 for Divorce of:
8 Megan Elizabeth Barral and
9 Dustin James Barral
10

DEPT. NO. Department W

11 **AUTOMATED CERTIFICATE OF SERVICE**

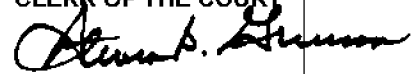
12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

Service Date: 4/14/2022

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 4/15/2022

21 Dustin Barral #1108615
22 LCC
23 1200 Prison Rd
24 Lovelock, NV, 89419
25
26 Megan Barral 4478 E Quail AVE
27 Las Vegas, NV, 89120
28



DISTRICT COURT
CLARK COUNTY, NEVADA

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

Case: D-12-458737-Z

Department W

NOTICE OF ENTRY OF ORDER FROM MINUTE ORDER

PLEASE TAKE NOTICE that on April 14, 2022 an **ORDER FROM MINUTE ORDER** was entered in the above-referenced matter. A copy of the **ORDER FROM MINUTE ORDER** is attached hereto, and the following is a true and correct copy thereof.

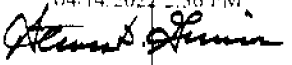
I hereby certify that on the above file-stamped date, I caused the foregoing Notice to be served by: facsimile, by placing a copy in the attorney's folder in the Court clerk's office, by e-service, by e-mailing or by mailing to:

Dustin James Barrel #1108615
LCC
1200 Prison Rd.
Lovelock, NV 89419
Petitioner in Proper Person

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

/s/ Britney Robinson

Britney Robinson
Judicial Executive Assistant
Department W


CLERK OF THE COURT

1 **ORDR**

2 DISTRICT COURT
3 FAMILY DIVISION
4 CLARK COUNTY, NEVADA

5 In the Matter of the Joint Petition for Divorce

CASE NO. D-12-458737-Z

6 of:

DEPT. NO. W

7 Megan Elizabeth Barral and Dustin James

Date of Hearing: MINUTE ORDER

8 Barral

Time of Hearing:

9 **ORDER FROM MINUTE ORDER**

10 **MINUTE ORDER – NO HEARING HELD**

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

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

16 The Court having considered the Motion to Modify Child Custody, Visitation and/or
17 Child Support filed March 14, 2022, ("Motion") as well as the parties respective Financial
18 Disclosure Forms, the Opposition to the Motion, the Response and the Reply, as well as the
19 other pleadings and papers filed in this case, and good cause appearing,
20

21 The Court FINDS the Decree of Divorce entered on March 29, 2012 ("Decree")
22 awarded Megan primary physical custody of the two minor children and set child support at
23 25% of Dustin's income at \$1,416 per month.

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

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

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

5 The Court FINDS Dustin has been incarcerated since May 31, 2013 and is scheduled to
6 be paroled in September 2023. Pursuant to his Financial Disclosure Form filed March 14, 2022
7 he has no income, however in his moving papers he represents he makes \$30.00 per
8 month. After considering his Financial Disclosure Form and the representations in his Motion,
9 the Court FINDS Dustin's earning capacity is \$30.00 per month. The Court FINDS this is
10 more than a 20% change in his income since the entry of the Decree, which constitutes changed
11 circumstances and modification of the current order for support is appropriate.

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

17 IT IS HEREBY ORDERED Dustin's Motion to Modify Child support is
18 GRANTED. Dustin's obligation of child support shall be SUSPENDED commencing March
19 1, 2022.

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

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

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

3 NOTICE: IN ORDER TO ENSURE YOU RECEIVE PROPER NOTICE OF FUTURE
4 LEGAL ACTION IN THIS MATTER, YOU HAVE AN AFFIRMATIVE DUTY TO
5 UPDATE YOUR PERSONAL INFORMATION WITH THE CLERK OF THE COURT AND
6 TO SERVE THE OPPOSING PARTY WITH A COPY OF ANY SUCH CHANGE OF
7 INFORMATION FILED WITH THE COURT. YOUR FAILURE TO UPDATE YOUR
8 PERSONAL INFORMATION MAY RESULT IN SERVICE OF LEGAL PROCESS BEING
9 EFFECTUATED TO AN INVALID ADDRESS AND ADVERSE RELIEF BEING
10 GRANTED BY THE COURT.

11 The parents understand and acknowledge that, pursuant to the terms of the Parental
12 Kidnaping Prevention Act, 28 U.S.C. §1738A, and the Uniform Child Custody Jurisdiction and
13 Enforcement Act, NRS 125A.005, et seq., the courts of Nevada have exclusive modification
14 jurisdiction of the custody, visitation, and child support terms relating to the child at issue in
15 this case so long as either of the parents, or the child, continue to reside in Nevada.
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22 the child who willfully detains, conceals, or removes the child from a parent, guardian or other
23 person having lawful custody or a right of visitation of the child in violation of an order of this
24 Court, or removes the child from the jurisdiction of the Court without the consent of either the
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1 Court of all persons who have the right to custody or visitation is subject to being punished for
2 a category D felony as provided in NRS 193.130.

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4 1980, adopted by the 14th Session of the Hague Conference on Private International Law,
5 apply if a parent abducts or wrongfully retains a child in a foreign country. The parties are also
6 put on notice of the following provision of NRS 125C.0045(8):

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8 foreign country:

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

12 (b) Upon motion of one of the parties, the Court may order the parent to post a
13 bond if the Court determines that the parent poses an imminent risk of wrongfully
14 removing or concealing the child outside the country of habitual residence. The bond
15 must be in an amount determined by the Court and may be used only to pay for the cost
16 of locating the child and returning him/her to his/her habitual residence if the child is
17 wrongfully removed from or concealed outside the country of habitual residence. The
18 fact that a parent has significant commitments in a foreign country does not create a
19 presumption that the parent poses an imminent risk of wrongfully removing or
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23 requirements of NRS 125C.006 & NRS 125C.0065. If joint or primary physical custody has
24 been established pursuant to an order, judgment or decree of a Court and one parent intends to
25 relocate his/her residence to a place outside of this State or to a place within this State that is at
26

1 such a distance that would substantially impair the ability of the other parent to maintain a
2 meaningful relationship with the child, and the relocating parent desires to take the child with
3 him/her, the relocating parent shall, before relocating: (a) attempt to obtain the written consent
4 of the non-relocating parent to relocate with the child; and (b) if the non-relocating parent
5 refuses to give that consent, petition the Court for permission to move and/or for primary
6 physical custody for the purpose of relocating. A parent who desires to relocate with a child has
7 the burden of proving that relocation with the child is in the best interest of the child. The Court
8 may award reasonable attorney's fees and costs to the relocating parent if the Court finds that
9 the non-relocating parent refused to consent to the relocating parent's relocation with the child
10 without having reasonable grounds for such refusal, or for the purpose of harassing the
11 relocating parent. A parent who relocates with a child pursuant to this section without the
12 written consent of the other parent or the permission of the Court is subject to the provisions of
13 NRS 200.359. The failure of a parent to comply with the provisions of this section may be
14 considered as a factor if a change of custody is requested by the non-custodial parent.
15

16 **NOTICE IS HEREBY GIVEN** that the parties are subject to the provisions of NRS
17 Chapter 31A and NRS 425.560 regarding the collection of delinquent child support payments.

18 **NOTICE IS HEREBY GIVEN** that:

19 A. Pursuant to NRS 125B.140, if an installment of an obligation to pay support for a
20 child becomes delinquent, the court shall determine interest upon the arrearages at a rate
21 established pursuant to NRS 99.040, from the time each amount became due. Interest shall
22 continue to accrue on the amount ordered until it is paid, and additional attorney's fees must be
23 allowed if required for collection.
24

25 B. Pursuant to NRS 125B.145, an award of child support shall be reviewed by the court
26 at least every three (3) years to determine whether the award should be modified. The review
27
28

1 will be conducted upon the filing of a request by a (1) parent or legal guardian of the child; or
2 (2) the Nevada State Welfare Division or the District Attorney's Office, if the Division of the
3 District Attorney has jurisdiction over the case.

4 C. Pursuant to NRS 125.450(2), the wages and commissions of the parent responsible
5 for paying support shall be subject to assignment or withholding for the purpose of payment of
6 the foregoing obligation of support as provided in NRS 31A.020 through 31A.240, inclusive.

7 **NAC 425.165** - If the child support order is for more than one child and does not allocate
8 a specific amount to each child, the following notice must be added:

9 NOTICE IS HEREBY GIVEN that if either party wants to adjust the amount of child
10 support established in this order, they must file a motion to modify the order with or submit a
11 stipulation to the court. If a motion to modify the order is not filed or a stipulation is not
12 submitted, the child support obligation established in this order will continue until such time as
13 all children who are the subject of this order reach 18 years of age or, if the youngest child who
14 is subject to this order is still in high school when he/she reaches 18 years of age, when the
15 child graduates from high school or reaches 19 years of age, whichever comes first. Unless the
16 parties agree otherwise in a stipulation, any modification made pursuant to a motion to modify
17 the order will be effective as of the date the motion was filed.
18

19 Dated this 14th day of April, 2022

20 
21

22 B7B BB8 9303 2CAF
23 Stacy M. Rocheleau
24 District Court Judge
25
26
27
28

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

| | | |
|---|-------------------------------------|------------------------|
| 5 | In the Matter of the Joint Petition | CASE NO: D-12-458737-Z |
| 6 | for Divorce of: | |
| 7 | Megan Elizabeth Barral and | DEPT. NO. Department W |
| 8 | Dustin James Barral | |

9

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: 4/14/2022

| | | |
|----|---------------|------------------------|
| 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
known addresses on 4/15/2022

| | | |
|----|---------------|----------------------|
| 20 | Dustin Barral | #1108615 |
| 21 | | LCC |
| 22 | | 1200 Prison Rd |
| | | Lovelock, NV, 89419 |
| 23 | Megan Barral | 4478 E Quail AVE |
| 24 | | Las Vegas, NV, 89120 |

25
26
27
28



NSCC

**DISTRICT COURT
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
Department W

DOMESTIC NOTICE TO STATISTICALLY CLOSE CASE

Upon review of this matter and good cause appearing, the Clerk of the Court is hereby directed to statistically close this case for the following reason:

Non-Trial Dispositions:

- ☐ Other Manner Of Disposition
- ☐ Dismissed – Want of Prosecution
- ☐ Involuntary (Statutory) Dismissal
- ☐ Default Judgment
- ☐ Transferred

Settled/withdrawn:

- ☒ Without Judicial Conf/Hrg
- ☐ With Judicial Conf/Hrg
- ☐ By ADR

Trial Dispositions:

- ☐ Disposed After Trial Start
- ☐ Judgment Reached by Trial

- ☒ See Order filed 04/14/2022.

DATED this 29th day of April, 2022.

HONORABLE STACY M. ROCHELEAU

By: /s/ Britney Robinson
Britney Robinson
Judicial Executive Assistant

Electronically Filed
05/11/2022

Heather D. Lemin
CLERK OF THE COURT

1. CASE NO. D-12-458737-Z

2. DEPT NO. W

3.

4.

5. IN THE 5TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA TWO

6.

AND FOR THE COUNTY OF CLARK

7.

8. DUSTIN JAMES BARRAL,

9. PLAINTIFF,

10. - VS -

11. MEGAN ELIZABETH JOHNSON,

12. DEFENDANT,

NOTICE OF APPEAL

13.

14. NOTICE IS GIVEN that Plaintiff, Dustin Barral, in pro se, hereby
15. appeals to the Nevada Supreme Court the MOTION AND NOTICE OF
16. MOTION TO MODIFY CUSTODY, VISITATION, AND/OR CHILD SUPPORT, as
17. filed on/ filed/ entered on the 14th day of April, 2022.

18.

19. Dated this 27th day of April, 2022.

20.

21.

22.

23.

24.

25.

26.

27. (1)

28. (1)

RECEIVED
MAY 03 2022
CLERK OF THE COURT

DJB
Dustin Barral #1108615-
Lovelock Correctional Center
1200 Prison Rd
Lovelock, Nevada 89419
Plaintiff in Pro Se

1.

CERTIFICATE OF SERVICE

2. I do certify that I mailed a true and correct copy of the foregoing
3. NOTICE OF APPEAL to the below address(es) on this 27th day of April
4. 2022, by placing same in the U.S. Mail.

5.

6. Megan Johnson
7. 4476 E. Quail Ave
8. LV, NV 89120

9.

10.

11.

12.

13.

14.

15.

16.



Dustin Barrol #1116615
LCC

1206 Prison Rd
Lovelock, NV 89419
Plaintiff in the Se

17.

AFFIRMATION PURSUANT TO NRS 239B.030

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

21.

22. Dated this 27th day of April, 2022.

23.

24.

25.

26.

27.

28.



Dustin Barrol
Plaintiff in the Se



1 ASTA

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5
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 In the Matter of the Joint Petition for Divorce of:

11 MEGAN ELIZABETH BARRAL nka MEGAN
12 ELIZABETH HAMMONDS and DUSTIN JAMES
13 BARRAL,

14 Petitioner(s)

Case No: D-12-458737-Z

Dept No: W

15
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Dustin Barral

18 2. Judge: Stacy M. Rocheleau

19 3. Appellant(s): Dustin Barral

20 Counsel:

21 Dustin Barral #1108615
22 1200 Prison Rd.
23 Lovelock, NV 89419

24 4. Respondent (s): Megan Elizabeth Barral nka Megan Elizabeth Hammonds

25 Counsel:

26 Megan Johnson
27 4478 E. Quail Ave.
28 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: N/A

7 Appellant Filed Application to Proceed in Forma Pauperis: No
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: Judgment

12 11. Previous Appeal: No

13 Supreme Court Docket Number(s): N/A

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

16 13. Possibility of Settlement: Unknown

17 Dated This 13 day of May 2022.

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

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
123 - 126
WILL FOLLOW VIA
U.S. MAIL**

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
127 - 127
WILL FOLLOW VIA
U.S. MAIL**

Steven D. Grierson

Case No. D-12-458737

Dept. No. 63

IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

* * * * *

Debra Ann Johnson,)
Plaintiff,)
-VS-)
Michael Anthony Johnson,)
Defendant.)

MOTION FOR PRODUCTION
OF TRANSCRIPTS
AT STATE EXPENSE

COMES NOW Debra Ann Johnson, in pro se,
and moves the Court for an order directing the Clerk of the
Court to prepare or cause to be prepared, transcripts of the
(list the hearing(s)/date(s) for which you request transcripts):
Transcript of Michael Johnson's hearing held on December 20, 2021 (1 hour)
and on December 21, 2021 (1 hour)
and to serve same upon him at his place of confinement.

This motion is made and based upon the requirements of NRS
34.370(4); NRS 34.760(2); all papers, pleadings and documents on
file herein; the instant (check applicable pending action to
which this motion relates) petition for writ of habeas
corpus ✓ motion to/for and to/for

///

///

1 and the following points and authorities.

2 POINTS AND AUTHORITIES

3 Petitioner/Defendant has filed a ___ petition for writ of
4 habeas corpus ✓ motion to/for Writ of Habeas Corpus
5 _____, presenting ground(s)/claim(s) for relief. NRS
6 34.730(4) and NRS 34.760(2) require that the presentation of
7 habeas petitions be supported by affidavits, records,
8 transcripts or other relevant evidence. Id. Petitions and
9 motions which are not supported by such evidence render the
10 claims therein to be bare and naked allegations, unsupported by
11 the record and meriting dismissal. Hargrove v. State, 100 Nev.
12 498, 686 P.2d 222 (1984). See also Griffin v. State, 122 Nev.
13 737, 137 P.3d 1165, 1170 (2006) (defendant must support his
14 claims with "specific facts" demonstrating entitlement to relief
15 sought); Berjarano v. Warden, 112 Nev. 1466, 929 P.2d 922 (1996)
16 (defendant bears burden of establishing factual allegations in
17 support of his claims).

18 In order to obtain this Court's order to produce the
19 requested transcripts, Petitioner/Defendant need show that they
20 would serve a useful purpose and that he would be prejudiced
21 without them. Peterson v. Warden, 87 Nev. 134, 483 P.2d 204,
22 205 (1971). Petitioner/Defendant requires the transcripts at
23 bar in order to support his ground(s)/claim(s), which have
24 merit, as shown on the separate page(s) annexed hereto as page
25 (s) (s) (you must describe your grounds/claims and
26 demonstrate how the requested transcripts are necessary to avoid
27 a dismissal/denial of same), and as are incorporated as if set
28 forth herein. Prejudice is demonstrated inasmuch as due to the

1 merit of Petitioner/Defendant's claims, same would be
2 dismissed/denied without the transcripts at issue.

3 Petitioner/Defendant is a pauper, as evidenced by his
4 having proceeded as a pauper in these proceedings. Therefore,
5 the transcripts must be provided at State expense so as to
6 satisfy the concerns of due process and fairness herein. See
7 e.g. Gardner v. California, 393 U.S. 367, 89 S.Ct. 580, 582
8 (1969) (transcripts in habeas proceedings may not be supplied
9 those who can afford them and denied to those who cannot).

10 CONCLUSION

11 For the reasons set forth above, the Court should grant the
12 instant motion via ordering the Clerk of the Court to produce
13 the above-described transcripts and serve same upon Petitioner/
14 Defendant at his place of confinement.

15 Dated this 25th day of July, 2022.

16
17 Dusha B. B. B. #1100000
18 Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

19 Plaintiff In Pro Se

20 / / /

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1
2 CERTIFICATE OF SERVICE

3 I do certify that I mailed a true and correct copy of the
4 foregoing MOTION FOR PRODUCTION OF TRANSCRIPTS to the below
5 address on this 25th day of July, 2022, by
6 placing same in the U.S. Mail via prison law library staff:

7 Megan Johnson
8 4478 E. Gail Ave
9 LV, NV 89120

10
11 Attorney For Respondent

12
13 Dustin Barral #1105411
14 Lovelock Correctional Center
15 1200 Prison Road
16 Lovelock, Nevada 89419

17 Dustin Barral In Pro Se

18 AFFIRMATION PURSUANT TO NRS 239B.030

19 The undersigned does hereby affirm that the preceding
20 MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE does not
21 contain the social security number of any person.

22 Dated this 25th day of July, 2022.

23 Dustin Barral

24 Dustin Barral In Pro Se
25
26
27
28

1 Case No. D-12-455,737

2 Dept. No.

3
4
5
6 IN THE 8th JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CLACK

8 * * * * *

9 James James B. B. B.)
10 Petitioner,)
11 -vs-)
12)
13 William B. B. B. B. B.)
14 Respondent.)

ORDER TO PRODUCE
TRANSCRIPTS

15
16 THE COURT, having considered Petitioner's MOTION FOR PRODUCTION OF
17 TRANSCRIPTS, and with good cause appearing, it is hereby ORDERED that the
18 motion is granted.

19 The Clerk of the Court is directed to cause to be prepared the transcripts
20 of the _____ of
21 _____, 20 __, and to provide same to Petitioner at his place of
22 confinement, i.e., Lovelock Correctional Center, Lovelock, Nevada 89419.
23 Such shall be effectuated at State expense.

24 IT IS SO ORDERED.

25 Dated this _____ day of _____, 20 ____.

26
27 _____
DISTRICT COURT JUDGE
28

1.

Support For Grounds

2. To ~~support~~ ground #1 of his appeal, Mr. Barrat needs the transcripts
3 being requested to show that he had no ~~clue~~ clue he could modify his
4 child support order while incarcerated. During his TPR case in December
5 2021, Mr. Barrat has a conversation with Judge Rochekau about
6 modifying his child support order. This conversation will back up his
7 claim that he was never notified by District Court every 3 years as
8 they are required to. The transcripts of this TPR hearing are needed
9 to be cited in Mr. Barrat's appeal.

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CNND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

D-12-458737-Z
Department W

CLERK'S NOTICE OF NONCONFORMING DOCUMENT

Pursuant to Rule 8(b)(2) of the Nevada Electronic Filing and Conversion Rules, notice is hereby provided that the following electronically filed document does not conform to the applicable filing requirements:

| | |
|--|--|
| Title of Nonconforming Document: | <u>Motion for Production of Transcripts at State Expense</u> |
| Party Submitting Document for Filing: | <u>Petitioner</u> |
| Date and Time Submitted for Electronic Filing: | <u>08/17/2022 at 1:55 PM</u> |

Reason for Nonconformity Determination:

- ☐ The document filed to commence an action is not a complaint, petition, application, or other document that initiates a civil action. *See* Rule 3 of the Nevada Rules of Civil Procedure. In accordance with Administrative Order 19-5, the submitted document is stricken from the record, this case has been closed and designated as filed in error, and any submitted filing fee has been returned to the filing party.
- ☐ The document initiated a new civil action and the case type designation does not match the cause of action identified in the document.
- ☐ The document initiated a new civil action and a cover sheet was not submitted as required by NRS 3.275.
- ☐ The submitted document initiated a new civil action and was made up of multiple documents submitted together.
- ☐ The case caption and/or case number on the document does not match the case caption and/or case number of the case that it was filed into.

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By: /s/ Brionna Bowen
Deputy District Court Clerk

Dept. No. 60

★ ★ ★ ★ ★

MOTION FOR PRODUCTION
OF TRANSCRIPTS
AT STATE EXPENSE

This motion is made and based upon the requirements of NRS
34.370(4); NRS 34.760(2); all papers, pleadings and documents on
file herein; the instant (check applicable pending action to
which this motion relates) ___ petition for writ of habeas
corpus ✓ motion to/for "A. ..."

/ / /

1 and the following points and authorities.

2 POINTS AND AUTHORITIES

3 Petitioner/Defendant has filed a ___ petition for writ of
4 habeas corpus ✓ motion to/for _____
5 _____, presenting ground(s)/claim(s) for relief. NRS
6 34.730(4) and NRS 34.760(2) require that the presentation of
7 habeas petitions be supported by affidavits, records,
8 transcripts or other relevant evidence. Id. Petitions and
9 motions which are not supported by such evidence render the
10 claims therein to be bare and naked allegations, unsupported by
11 the record and meriting dismissal. Hargrove v. State, 100 Nev.
12 498, 686 P.2d 222 (1984). See also Griffin v. State, 122 Nev.
13 737, 137 P.3d 1165, 1170 (2006) (defendant must support his
14 claims with "specific facts" demonstrating entitlement to relief
15 sought); Berjarano v. Warden, 112 Nev. 1466, 929 P.2d 922 (1996)
16 (defendant bears burden of establishing factual allegations in
17 support of his claims).

18 In order to obtain this Court's order to produce the
19 requested transcripts, Petitioner/Defendant need show that they
20 would serve a useful purpose and that he would be prejudiced
21 without them. Peterson v. Warden, 87 Nev. 134, 483 P.2d 204,
22 205 (1971). Petitioner/Defendant requires the transcripts at
23 bar in order to support his ground(s)/claim(s), which have
24 merit, as shown on the separate page(s) annexed hereto as page
25 (s) (s) _____ (you must describe your grounds/claims and
26 demonstrate how the requested transcripts are necessary to avoid
27 a dismissal/denial of same), and as are incorporated as if set
28 forth herein. Prejudice is demonstrated inasmuch as due to the

1 merit of Petitioner/Defendant's claims, same would be
2 dismissed/denied without the transcripts at issue.

3 Petitioner/Defendant is a pauper, as evidenced by his
4 having proceeded as a pauper in these proceedings. Therefore,
5 the transcripts must be provided at State expense so as to
6 satisfy the concerns of due process and fairness herein. See
7 e.g. Gardner v. California, 393 U.S. 367, 89 S.Ct. 580, 582
8 (1969) (transcripts in habeas proceedings may not be supplied
9 those who can afford them and denied to those who cannot).

10 CONCLUSION

11 For the reasons set forth above, the Court should grant the
12 instant motion via ordering the Clerk of the Court to produce
13 the above-described transcripts and serve same upon Petitioner/
14 Defendant at his place of confinement.

15 Dated this 25th day of July, 2022.

16
17 Dustin Boyd # 1108611
18 Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

19 Plaintiff In Pro Se

20 / / /

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CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing MOTION FOR PRODUCTION OF TRANSCRIPTS to the below address on this 25th day of July, 2022 by placing same in the U.S. Mail via prison law library staff:

Megan Johnson
4478 E. Gail Ave
LV, NV 89120

Attorney For Respondent

Disha Baral #1105615
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Plaintiff In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding MOTION FOR PRODUCTION OF TRANSCRIPTS AT STATE EXPENSE does not contain the social security number of any person.

Dated this 25th day of July, 2022.

Disha Baral
Plaintiff In Pro Se

Support For Grounds

To support ground #1 of his appeal, Mr. Barrat needs the transcripts being requested to show that he had no choice he could modify his child support order while incarcerated. During his TPR case in December 2021, Mr. Barrat has a conversation with Judge Rochekau about modifying his child support order. This conversation will back up his claim that he was never notified by District Court every 3 years as they are required to. The transcripts of this TPR hearing are needed to be cited in Mr. Barrat's appeal.

Dept. No.: 62

IN AND FOR THE COUNTY OF CLACK

★ ★ ★ ★ ★

ORDER TO PRODUCE TRANSCRIPTS

142

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: 8/18/2022

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 8/19/2022

21 Dustin Barral

#1108615

LCC

1200 Prison Rd

Lovelock, NV, 89419

23 Megan Barral

4478 E Quail AVE

Las Vegas, NV, 89120

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant,
vs.
MEGAN ELIZABETH BARRAL, N/K/A MEGAN
ELIZABETH HAMMONDS,
Respondent.

Supreme Court No. 84721
District Court Case No. D458737

FILED

AUG 31 2022

Elizabeth A. Brown
CLERK OF COURT

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 4th day of August, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
August 30, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Collette Martin
Administrative Assistant

D-12-458737-Z
CCJD
NV Supreme Court Clerks Certificate/Judgm
5004576



IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant,
vs.
MEGAN ELIZABETH BARRAL, N/K/A
MEGAN ELIZABETH HAMMONDS,
Respondent.

No. 84721

FILED

AUG 04 2022

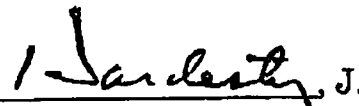
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

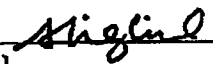
ORDER DISMISSING APPEAL


This is a pro se appeal from a district court order resolving appellant's motion to modify child custody, visitation, and support. Eighth Judicial District Court, Family Court Division, Clark County; Stacy Michelle Rocheleau, Judge.

Review of the notice of appeal and documents before this court reveals a jurisdictional defect. Specifically, the challenged district court order granted appellant the relief he requested, suspending his support obligation. Further, the challenged order denied respondent's motion to reduce support arrears to judgment. Appellant is not aggrieved by this order. See NRAP 3A(a) (only an aggrieved party may appeal). Accordingly, we

ORDER this appeal DISMISSED.


Hardesty

 J.
Stiglich

 J.
Herndon

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Court Division
Dustin James Barral
Megan Elizabeth Barral
Eighth District Court Clerk

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTIN JAMES BARRAL,
Appellant,
vs.
MEGAN ELIZABETH BARRAL, N/K/A MEGAN
ELIZABETH HAMMONDS,
Respondent.

Supreme Court No. 84721
District Court Case No. D458737

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified Copy of Opinion/Order
Receipt for Remittitur

DATE: August 30, 2022

Elizabeth A. Brown, Clerk of Court

By: Collette Martin
Administrative Assistant

cc (without enclosures):

Hon. Stacy Michelle Rocheleau, District Judge
Dustin James Barral
Megan Elizabeth Barral

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on AUG 31 2022.

HEATHER UNGERMANN
Deputy District Court Clerk

RECEIVED
APPEALS
AUG 31 2022

CLERK OF THE COURT

**THIS SEALED
DOCUMENT,
NUMBERED PAGE(S)
148 - 151
WILL FOLLOW VIA
U.S. MAIL**

Heather S. Shuman
CLERK OF THE COURT

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DISTRICT COURT
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 DEPARTMENT W |
|---|--|

MISCELLANEOUS FILING

Clerk of the Court,

5/21/22

My name is Dustin Barral #1108615 and I'm updating my information for case # D-12-458737-Z.

Information: ^{1st class} Dustin Barral #1108615

LCC

^{2nd class}
email: dustinbarral@yahoo.com

1200 Prison Rd

Lovelock, NV 89419

* Please send paper copies first priority as I have to have family members check email due to incarceration.

This was also sent to: Megan Johnson
4478 E. Quail Ave
LV, NV 89120

on May 23rd, 2022 via 1st class mail.

Sincerely,
Dustin Barral
DBL

Dustin Barral #1108615

LCC

1200 Prison Rd

Lovelock, NV 89419

RECEIVED
JUN 09 2022
CLERK OF THE COURT

FILING CODE: MOT

Your Name: Dustin Barral #1108605
Address: LCC
1200 Prison Rd, Lovelock, NV 89419
Telephone: N/A
Email Address: N/A
Self-Represented

Electronically Filed
12/22/2022

Heather L. Lewis
CLERK OF THE COURT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Dustin Barral
Plaintiff,

vs.

Megan Johnson
Defendant.

CASE NO.: D-12-456737-Z

DEPT: W

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

☒ Yes. Hearing Date: _____

Hearing Time: _____

→ ☒ ~~No~~ Chambers Decision: 2/2/2023

**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: *[Signature]*
☒ Plaintiff / ☐ Defendant

MOTION

(Your name) Dustin Barrel 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. *See Exhibits 1, 2, and 3*
- ☐ 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.

1. FACTS AND ARGUMENTS

2. REQUEST TO MODIFY CHILD CUSTODY AND/OR VISITATION

3. The current custody agreement was on or about Feb 2012. The
4. Plaintiff, being the biological father, wishes to change legal custody
5. status and visitation.

6. LEGAL CUSTODY

7. Mr. Barral is the biological father of the children that this motion
8. deals with. He is currently incarcerated but will be going to Parole in
9. 7 months and is currently scheduled to Parole on 9/27/23. Currently
10. Mr. Barral has no legal custody and is seeking Joint legal custody for
11. Levi James Barral - 11/7/07 and Joshua David Barral - 1/13/10. It is in
12. the best interest of our sons for Dustin Barral to have joint legal custody
13. because he is getting out in 10 months and has been trying to have a
14. relationship with our sons since his incarceration began. By allowing Mr.
15. Barral joint legal custody it will allow him the ability to be a part of
16. his children's lives. It will force Mrs. Johnson to include him in the daily
17. lives of their sons.

18. VISITATION

19. Mr. Barral is asking this Court to change the regular visitation
20. schedule. Currently Mr. Barral is scheduled to see his sons every
21. Sunday from 8:30 am until about 5:30 pm and Tuesday from after school
22. (about 3:30 pm/4 pm) until 8:30 pm. Mr. Barral has not seen his sons since
23. May 26th, 2013.

24. Seeing as Mr. Barral is incarcerated he is asking for an
25. unconventional change to the visiting schedule. As this Court is aware,
26. from the TPR case filed by Mrs. Johnson in Sept of 2021 and the Modification
27. of Child Support filed by Mr. Barral earlier this year, Mr. Barral seeks to
28. have a relationship with his ~~156~~ sons. This is all Mr. Barral has wanted

1 and has tried to get without going through the legal process. Yet, Mrs.
2 Johnson has refused him at every turn. Mr. Barral's current
3 incarceration has absolutely nothing to do with his sons.
4 Mr. Barral is asking this Court to order the following so he can
5 have a relationship with his sons:
6 1. Allow him access to his sons by ordering Mrs. Johnson to allow
7 letters, cards, gifts, and phone calls. Mr. Barral is seeking to call
8 and talk to his sons twice a month.
9 2. Allow him to have in person visits with his sons in the visiting
10 room at least 3 times a year. (once every 4 months)
11 To fulfill #2, Mr. Barral is asking this Court to grant his mother, Susan
12 Zupancic, grandparents rights to his sons, her grandchildren. Susan use
13 to have a relationship with Levi and Joshua until a few years ago when
14 Mrs. Johnson terminated it. There was no conflict between my mother and
15 Mrs. Johnson. Mrs. Johnson just wanted to remove the last link our sons
16 had to my family and myself. Grandparents rights should include a
17 bi-weekly visitation schedule, being allowed to take them out of the house
18 to eat/do activities, phone calls, emails, being present/invited to school events
19 and extracurricular activities, and driving our sons to visit with me. By
20 granting Susan Zupancic grandparents rights it allows her the ability to
21 reestablish a relationship with our sons and it will make sure that Mrs.
22 Johnson does not have to spend any additional money when they come
23 visit me. Mr. Barral also requests that this Court orders Mrs. Johnson
24 makes available to Susan Zupancic all documents necessary for our sons to
25 visit me and gives Susan Zupancic the ability to have our sons for
26 multiple days when visiting myself. That way she can drive up one day,
27 visit the next, and drive back. So no miscommunication about the agenda
28 will occur.

1. Mr. Barral believes it very important to point out to this Court
2. that Mrs. Johnson has made it known to this Court that she would
3. refuse any order given to her. Mrs. Johnson is the reason that I do
4. not have a relationship with our sons. For over 9 years she has made
5. sure that my name is talked about very rarely. Mrs. Johnson will
6. tell you that our sons want nothing to do with me. I believe this
7. Court has to see the coercion that has occurred. If our sons believe
8. that I haven't contacted them in over 9 years then I do not care about
9. them. Why would they want anything to do with me? It is imperative
10. that this Court not allow this to go on any longer. Our sons are basing
11. their opinions on a one-sided story. If this Court would review all
12. prior proceedings from 2021 and 2022 and look at Exhibits 1, 2, and 3,
13. the Court will see I've attempted to have contact/a relationship with our
14. sons. It is in the best interest of our sons to grant my request for
15. visitation because without legal action our sons will believe the lies
16. they've been told for over 9 years. They'll miss out on a relationship
17. with my family and myself.

18. Conclusion

19. It is in the best interest of our sons to grant this motion. Mrs.
20. Johnson has done everything in her power, for her own self-interest,
21. to keep Mr. Barral out of their sons' lives. What she has done needs to
22. be stopped. Mr. Barral asks this Court to save his relationship with
23. his sons by granting this motion in its entirety and any other relief
24. the Court finds appropriate.


25.

26. Dated this 30th day of November, 2022.

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Dustin Barral
Plaintiff in Pro Se

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

I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as 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. 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 and does not contain the social security number of any person as in NRS 239B.030.

Dated this 30th day of November, 2022.


Dustin Barral #1108615
LCC
1200 Prism Rd
Lovelock, NV 89419
Plaintiff in Pro Se

CERTIFICATE OF SERVICE

1. I hereby declare that I mailed a true and correct copy of the foregoing Motion AND NOTICE OF MOTION TO MODIFY CHILD CUSTODY, 4. VISITATION AND/OR CHILD SUPPORT to the following address(es) on this 5th day of November, 2022, via 1st class mail.

Megan Johnson
4478 E Quail Ave
LV, NV 89120

Dated this 30th day of November, 2022.

Dustin Baral #1108615
LCC
1200 Prison Rd
Love Lock, NV 89419
Plaintiff in Pro Se

**THIS SEALED
DOCUMENT,
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U.S. MAIL**

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WILL FOLLOW VIA
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1 Dushn Barral # 1108615

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff in Pro Se

6

7

DISTRICT COURT

8

CLARK COUNTY, NEVADA

9

10 Dushn Barral,

CASE No. : D-12-458737-Z

11 Plaintiff

Dept. : W

12 v.

13 Megan Johnson,

INDEX OF EXHIBITS IN SUPPORT OF MOTION AND NOTICE

14 Defendant

OF MOTION TO MODIFY CHILD CUSTODY, VISITATION AND/OR

15

CHILD SUPPORT

16 The Plaintiff, Dushn Barral, in pro se, submits the following Index of
17 Exhibits in support of his Motion and Notice of Motion to Modify Child Custody,
18 Visitation and/or Child Support by a person in State Custody.

19

| 20 No. | Document |
|--------|--|
| 21 1 | Communication with Megan Log |
| 22 2 | Letter to Megan Johnson dated 7/21/22 |
| 23 3 | Letter to Megan Johnson dated 10/30/22 |

24

25

26

27

28

EXHIBIT

1

Communication with Megan Log

1. Wrote in May alerting her that I'd call every month to see how our sons are doing. - No Response
2. Called on 6/7 - No Answer
3. Called on 6/9 - Answer, 25 second call - hung up on, all I was told is "boys are fine"
4. 7/14 - Called around 1:30 p.m. - No Answer
5. 7/16 - Called at 2:32 p.m. - No Answer
6. 7/19 - Called at 12:45 p.m. - No Answer
7. Wrote on 7/21 mailed 7/22 - No Response
8. 7/22 - Called at 12:40 p.m. - No Answer
9. 8/10 - Called at 12:56 p.m. - No Answer
10. 8/11 - Called at 12:45 p.m. - No Answer
11. 8/12 - Called at about 1:30pm - Answered. Talked for 30 minutes. First half of conversation was arguing. Second half Megan talked to me and talked about our sons. I asked her to get back to me by email to let me know of a couple dates and times in September when she and I could talk after she's off work. She agreed to do this. Good phone call.
12. No email in September
13. No email in October
14. Wrote on 10/30 mailed 10/31 - No Response
15. No email in November

EXHIBIT

2

Megan,

7/21/22

How are you doing? Tell the boys I love and miss them. I hope all is okay with you and the family. I'm writing this letter to address the issue of my phone calls to check in the well-being of our sons. I wrote you back in May alerting you to my intention of calling you once a month to talk about how our sons were/are doing. In June we had a 25 second conversation, where all you shared was "they're fine" and then hung up. I've tried numerous times in July but you have not answered. (WDC is extremely short staffed so I've been locked down more often than not.) I do not understand your hostility to me regarding our sons. I really want a relationship with our sons but you have blocked that from happening for the past 9 years. I've tried to settle for having a conversation with you about our sons but you won't even do that.

Last year, on the day I called to check on our sons, you filed to Terminate my Parental Rights. You voluntarily dismissed your TPR suit against me in December of last year. Yet you do not let me have a relationship with our sons. I want to make it very clear, you are deliberately violating our divorce decree which states I get to see my sons twice a week. Unless you have some other legal action that you will pursue against me, why not let me have a relationship with our sons?

I have tried numerous times throughout the 9+ years I've been incarcerated to talk, reason, and negotiate with you. All for naught. I never brought legal action against you. You were the one who initiated legal proceedings. I want a relationship with our sons. I'm reluctant to initiate legal proceedings but I will if you keep up your actions. Can we not get along for our sons?

I hope you are well. I await your response.

Sincerely,
Dustin Boral
DBL

EXHIBIT

3

Megan,


10/30/22

Hey how are you doing? I hope you are doing well. Tell the boys I love and miss them. I'm writing this letter to give you written notice of my intentions.

Back in August we had a phone conversation that lasted 30 minutes. It was a great phone call. You told me about our sons. That's all I've wanted. It was agreed that you would email me and let me know when I could call in September after you were off of work so we could talk about our sons. That was on 8/12/22. It's almost been 90 days and no email or response from you.

I was willing to settle for a phone call once a month, for us to talk about our sons but you can't even give me that. I'm letting you know that unless we can agree on a one phone call a month, just me and you, then I'll have to seek legal action so I can know our sons.

I've been more than nice and patient with you. I've respected you and waited for your email. I do not want to seek legal action but I want to know my sons. I'll be home soon and look forward to having a relationship with both of my sons.

Sincerely,

Dustin Barzal

copy 1/2

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NUMBERED PAGE(S)
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WILL FOLLOW VIA
U.S. MAIL**

Steven D. Grierson

1 Dustin Barral #1108615

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff in Pro Se

6

7

DISTRICT COURT

8

CLARK COUNTY, NEVADA

9

10 Dustin Barral,

Case No.: D-12-458737-Z

11 Plaintiff,

Dept No.: W

12 v.

13 Megan Johnson,

14 Defendant

15 AFFIDAVIT OF SUSAN ZUPANCIC IN SUPPORT OF DUSTIN BARRAL'S

16 MOTION TO MODIFY CHILD CUSTODY, VISITATION AND/OR CHILD SUPPORT

17

18 Dated this 9th day of December, 2022.

19

20

21

Dustin Barral #1108615

22

LCC

23

1200 Prison Rd

24

Lovelock, NV 89419

25

Plaintiff in Pro Se

26

27

28

AFFIDAVIT

I, Susan Zupancic, of Las Vegas, in Clark County, Nevada MAKE AN OATH AND SAY THAT:

1. Megan Elizabeth Johnson, mother to my two grandsons, has not allowed me to see or have any type of contact with either of them since 2019. I have called to wish them happy birthday, etc., however I have only been able to leave a voice mail and cannot speak to them.
2. I am more than willing to drive the boys up to the Lovelock Correctional Center in Lovelock, NV so that they can see their father in prison and spend some time with him. I have no intentions of taking the children away from her, hiding them, moving, etc., just to take them to visit and return home.

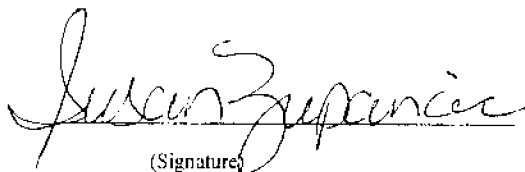
STATE OF NEVADA

COUNTY OF CLARK

SUBSCRIBED AND SWORN TO BEFORE

ME, on the 02 day of

December, 2024


(Signature)

Susan Zupancic

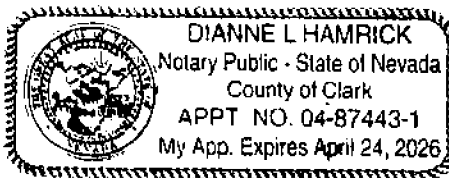
Signature 

(Seal)

NOTARY PUBLIC

My Commission Expires:

04/24/2026



1. CERTIFICATE OF SERVICE

2. I do hereby confirm that I sent a true and correct copy of the
3. foregoing Affidavit of Susan Zupancic In Support of Dushin Barral's Motion to
4. Modify Child Custody, Visitation and/or Child Support to the below addresses;
5. on this 9th day of December, 2022, by placing same in the
6. US mail via 1st Class mail:

7.

8. Megan Johnson

9. 4478 E. Quail ~~St~~ Ave

10. LV, NV 89120

11. Dated this 9th day of December, 2022.

12.

DBS

13.

Dushin Barral #1108615

14.

LCC

15.

1200 Prison Rd

16.

Loveock, NV 89419

17.

Plaintiff in Pro Se

18.

19. AFFIRMATION PURSUANT TO NRS 239B.030

20. I do hereby swear that the foregoing Affidavit of Susan Zupancic
21. in Support of Dushin Barral's Motion to Modify Child Custody, Visitation and/or
22. Child Support does not contain the social security number of any person.

23.

24. Dated this 9th day of December, 2022.

25.

26.

DBS

27.

Dushin Barral

28.

Plaintiff in Pro Se



OPPS
Megan Johnson (f/k/a Megan Barral)
4478 E. Quail Avenue
Las Vegas, NV 89120
702-741-2648
megan_kris@aol.com
ProSe

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

MEGAN JOHNSON, F/N/A MEGAN
BARRAL,

Plaintiff,

vs.

DUSTIN BARRAL,

Defendant

Case No.: D-12-458737-Z

DEPT: W

OPPOSITION TO MOTION TO MODIFY
CHILD CUSTODY, VISITATION, AND/OR
CHLD SUPPORT

TO: DUSTIN BARRAL, DEFENDANT

COMES NOW, Plaintiff, Megan Johnson (hereinafter "Megan"), in proper
person, hereby files this Opposition to Motion to Modify Child Custody, Visitation, and/or Child
Support and a Countermotion for the following relief:

1. That this Court deny Mr. Barral's motion and maintain Megan's sole legal and
physical custody of the two minor children Levi (15 years old) and Joshua (12 years
old). Mr. Barral is currently incarcerated and has been since May 2013 for sexual
crimes committed against a minor child. It is in the best interest of the children for
Megan to maintain sole legal and physical custody of the children to ensure they are
protected.

OPPOSITION TO MOTION TO MODIFY CHILD CUSTODY, VISITATION, AND/OR CHLD SUPPORT - 1

1 2. That this court deny Mr. Barral's motion for joint custody and visitation with the
2 minor children until he is released from prison at which time he can file a motion with
3 the court.
4

5 **BRIEF OUTLINE OF FACTS AND ISSUES**

6 Mr. Barral was convicted in May 2013 and sent to prison. At the time of Mr.
7 Barral's incarceration Levi was 5 years old and Joshua was 3 years old. Due to the nature
8 of Mr. Barral's crime, I was responsible to ensure my children were protected and safe.
9 Prior to his conviction he was allowed supervised visitation, which is the reason there is
10 supervised visitation noted in the Divorce Decree. Once Mr. Barral was convicted and
11 sent to prison, I needed to make decisions that were in the best interests of the boys. As
12 Joshua was just a toddler (3 years old) at the time of conviction he doesn't remember Mr.
13 Barral and we have had no discussions with him regarding Mr. Barral or his conviction.
14 Joshua looks to his stepfather as his father and has no idea who Mr. Barral is. I feel that
15 emotionally at this time it would not be in Joshua's best interest for visitation with Mr.
16 Barral. Levi is aware that Mr. Barral exists and is incarcerated but I have not discussed
17 the specifics of Mr. Barral's conviction with him as I do not feel that is in his best
18 interest. I have spoken with Levi recently regarding talking to Mr. Barral and/or his
19 mother and he has stated that he does not wish to have conversations nor visitation with
20 either of them. Levi stated that visitation with his Grandma Susan consisted of playing
21 on her phone and taking pictures on it, and he really wasn't interested in that anymore. It
22 has been approximately 3 years since Mr. Barral's mother has visited with the children,
23 prior to 2019 I did allow her to visit with the children under my supervision so that I
24 could ensure the children were okay emotionally. There are several reason's why there
25
26
27
28

1 has been no visitation with her, Levi does not want to visit with her, her schedule and
2 our's not matching and then COVID. Also, Mr. Barral's mother has not been a
3 contributing factor emotionally, physically or financially in the raising of the children.
4 Mr. Barral also has had a fiancé he met on Facebook while incarcerated text and call my
5 cell phone to harass and threaten me about him visiting and talking with the children.
6 This was not appropriate and not healthy for myself or the boys. My only concern right
7 now is what is best for my children and throughout the time I always have made
8 decisions based on what I felt was best for the children.
9

10
11 Mr. Barral continues to file litigation to pressure me to forgive his Child Support
12 Arrears and is now filing this Motion as another attempt I believe to harass me. In the
13 hearing for his Motion to the Court to change his Child Support obligation to zero and
14 erase his arrears, the judge told Mr. Barral once he is released, he can motion the court
15 regarding his visitation and the Child Support was suspended until his release, but the
16 arrears were not erased. Mr. Barral then appealed to the Supreme Court regarding this
17 court's decision to not erase the arrears, he did not say anything about visitation at that
18 time. It is disheartening that Mr. Barral would want to subject our children to a prison
19 environment and think that it would be in their best interest both emotionally and
20 physically. Mr. Barral is only thinking about what is best for him and not the children.
21 Once Mr. Barral is released on parole, which based on court records it does not seem to
22 be next year; and he has met the necessary requirements for a Nevada Sex Offender, he
23 could petition the court at that time for his requests regarding custody and visitation.
24
25
26
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28

1 **CONCLUSION**

- 2 1. That this Court maintain Megan's sole legal and physical custody of Levi (15 years
3 old) and Joshua (12 years old).
4
5 2. That this Court enter an Order denying Mr. Barral's entire motion.
6
7 3. That this Court if possible admonish Mr. Barral regarding the harassment of Megan
8 by other individuals he has relationships with.

9 **Dated this 5th day of January 2023.**

10
11 *Megan Johnson*
12 _____
13 Megan Johnson, Petitioner

14 **CERTIFICATE OF SERVICE**

15 I certify that the following is true and correct; and that on January 5, 2023, service of the
16 foregoing Opposition and Countermotion was made pursuant to NEFCR 9 by mandatory
17 electronic service through the Eighth Judicial District Court's electronic filing system's Master
18 List as indicated below and also by mailing a copy to address noted below:
19

20 Dustin Barral #1108615
21 LCC
22 1200 Prison Rd.
23 Lovelock, NV 89419

24 Dustin Barral
25 dustinbarral@yahoo.com

26 *Megan Johnson*
27 _____
28 Megan Johnson, Petitioner

Heather S. Linn
CLERK OF THE COURT

1 Dustin Barzal #11086115

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff in Pro Se

6

7

DISTRICT COURT

8

FAMILY DIVISION

9

CLARK COUNTY, NEVADA

10

11 Dustin Barzal,

Case No.: D-12-456737-2

12

Plaintiff,

Dept No.: W

13

v.

14

Megan Johnson,

Hearing Date/Time: Feb. 2, 2023

15

Defendant

16

MOTION FOR DEFAULT JUDGMENT

17

COMES NOW, Dustin Barzal, Plaintiff in Pro Se, requesting that this Court

18

grant his Motion for Default Judgment. This is based on all papers and pleadings in

19

the instant case.

20

ARGUMENT

21

On November 30, 2022 I mailed a copy of my Motion to Megan Johnson

22

and this Court. On the front cover it states "NOTICE: You may file a written

23

response to this with the Clerk of the Court and provide the undersigned with

24

a copy of your response within 14 days of receiving this Motion. Failure to file a

25

written response with the Clerk of the Court within 14 days of your receipt may result

26

in the requested relief being granted by the Court without a hearing prior to the

27

scheduled hearing date." So if I gave Megan a week to receive it (Dec 7) then her

28

response would have been due by Dec 21, 2022. Yet she did not file until Jan.


1 4th, 2023. That's 14 days past the date. It should be noted that I mailed Megan, a
2 courteous copy in December, after the 14 days, (sent on 12/26/22) so she wouldn't and
3 couldn't say I didn't mail her a copy. The letter was also sent to this Court. In her
4 Opposition she makes no mention about a second mailing. Therefore we can assume
5 she got both mailings and the first mailing stands as the date to go off of.

6 CONCLUSION

7 For lack of a response by the required date this Court should grant
8 this Motion for Default Judgment and rule in my favor in my Motion to Modify
9 Child Custody, Visitation and/or Child Support.

10
11 I declare under penalty of perjury under the law of the State of Nevada that
12 the foregoing is true and correct to my knowledge and doesn't contain the
13 Social Security number per NRS 239B.030

14
15 Dated this 12 day of January, 2023.

16
17 
18 Dustin Baral #1108615

19 LCC

20 1200. Person Rd

21 Lovelock, NV 89419


22 Plaintiff in Pro Se

CERTIFICATE OF SERVICE

I hereby declare that I provided a true and correct copy of the foregoing
MOTION FOR DEFAULT JUDGMENT and was sent to the following address(es)
on this 12 day of January, 2023, by placing same in the
1st Class US Mail:

Megan Johnson
4478 E. Quail Ave
LV, NV 89120

Dated this 12 day of January, 2023


Dustin Barz #1108615
LEC
1200 Prison Rd
Lovelock, NV 89419
Plaintiff Pro Se

LCC LL FORM 34.018

AFFIDAVIT OF DUSTIN BARRAL

STATE OF NEVADA)
) SS:
COUNTY OF PERSHING)
)

I, Dustin Barral, the undersigned, do hereby swear that all the following statements are true and correct, to the best of my own knowledge and of my own volition.

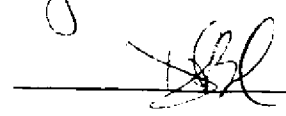
1. My name is Dustin Barral.

2. I am over 18 years of age, I reside at Lovelock Correctional Center, 1200 Prison Road, Lovelock, Nevada 89419. I am fully competent to make this affidavit and I have personal knowledge of the facts stated herein.

Being the Plaintiff in the case of D-12-458737-E, did not receive an Oppositor until well after the 14 days allotted to Morgan Johnson. All information in my motion for Default is true and correct. For these reasons this Court should rule in my favor.

I declare under penalty of perjury that the foregoing is true and correct, and that this document is executed without benefit of a notary pursuant to NRS 208.165 and/or 28 U.S.C.A § 1746 as I am a prisoner to state custody.

Dated this 12 day of January, 2023



01/30/2023

Heather S. Hemin

CLERK OF THE COURT

1 Case No.: D-12-456737-2

2 Dept. No.: W

3 Hearing Date and Time: Feb 2, 2023

4

5

DISTRICT COURT

6

FAMILY DIVISION

7

CLARK COUNTY, NEVADA

8

9 Dushn Barrel,

10 Plaintiff,

11 v.

12 Megan Johnson,

13 Defendant

NOTICE OF MOTIONFOR DEFAULT JUDGMENT

14

NOTICE OF MOTION FOR DEFAULT JUDGMENT

15 YOU and each of you will take notice that the Plaintiff in the above -

16 entitled action will bring his MOTION FOR DEFAULT JUDGMENT before the above -

17 entitled court and department, for hearing the same on the 2nd day of

18 February, 2023, at _____, m, or soon thereafter as the Court may

19 deem just and proper. March 16, 2023 at 10:00 a.m.

20

21 Dated this 12 day of January, 2023.

22

23

24

Dushn Barrel
Dushn Barrel #11066015

25

LCC

26

1260 Prison Rd

27

Lovelock, NV 89419

28

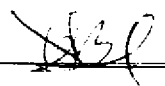
Plaintiff in Pro Se

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing
NOTICE OF MOTION FOR DEFAULT JUDGMENT to the below address(es) on this
12 day of January, 2023, by placing same in the 1st Class US Mail:

Megan Johnson
4478 E Quail Ave
LV, NV 89120

Dated this 12 day of January, 2023


Dustin Barzel #1108615
LCC
1260 Prison Rd
Lovelock, NV 89419
Plaintiff in Pro Se

1 Dustin Barral #1108615

2 LCC

3 1200 Prison Rd

4 Lovelock, NV 89419

5 Plaintiff in Pro Se

6

7

DISTRICT COURT

8

FAMILY DIVISION

9

CLARK COUNTY, NEVADA

10

11 Dustin Barral,

Case No. D-12-458737-Z

12 Plaintiff,

Dept No. W

13 v.

14 Megan Johnson,

Hearing Date/Time: Feb. 2, 2023

15 Defendant

16 RESPONSE TO OPPOSITION TO MOTION AND NOTICE OF MOTION TO MODIFY

17 CHILD CUSTODY, VISITATION AND/OR CHILD SUPPORT

18 Comes Now, Dustin Barral, Plaintiff in Pro Se, responding to Mrs. Johnson's

19 Opposition. This response is made on all papers and pleadings on file heretofore and

20 any oral arguments that have been made before this Court.

21 ARGUMENT

22 In her Opposition, Megan, wants to pull on the heart strings of this Court so
23 that this Court believes that she is only protecting the best interest of our

24 children. Yet everything she has stated in her Opposition is said to manipulate this

25 Court into letting her live the life she created. I will show this Court her

26 exaggerations and manipulations and will pull down this house of cards she built.

27 While I am currently incarcerated for a sexual crime against a child it

28 was not our children that were involved in the crime. Megan likes to use

Electronically Filed

01/30/2023

Heather J. Smith

CLERK OF THE COURT

RECEIVED

JAN 13 2023

RECEIVED

JAN 25 2023

CLERK OF THE COURT

1 this point to say that because of my crime she had to ensure the safety of
2 our children. The question is why hasn't Megan done something about this
3 until now? While I was out on bail, Megan allowed myself to have supervised
4 visits with Susan Zupancic (my mother) and Nikole Hull (my then fiancé). I
5 was part of their life and everything was fine. Even after losing my trial in May
6 2013, I was still a part of our children's lives. I called and talked to them nightly
7 until one night when Levi was super upset because he couldn't call Daddy back
8 to let him know that he found the picture. After this, Megan cut off all
9 communication because it was too hard emotionally on our sons. Yet it was
10 really Megan who couldn't deal with the emotional rollercoaster. As a parent,
11 it is hard to your child cry and not understand why they can't do something. It
12 breaks your heart and you want to save them from this feeling. As a father, I
13 cannot tell you how many times during my supervised visits when Levi and/or
14 Joshua would cry and hold onto me because they wanted to stay with me and not
15 go back home with Megan and Kris. I did not try to spare them from ever feeling
16 pain instead I talked to them about the pain. I explained, in terms they could
17 understand, why I couldn't stay. Megan refuses to do this. She would rather stick
18 her head in the sand and ignore the issue. If she doesn't talk about me then
19 our boys will forget about me and she won't have to explain the pain away when
20 she discusses me. This only goes to show that Megan is more worried about herself,
21 the lies she's told and the life she's built on those lies.

22 Next, let's discuss our sons. Megan readily admits that she nor Kris has
23 talked to Joshua about me being his father. The emotions that she is worried
24 about is how is Joshua going to react when he finds out she lied to him. She's
25 worried about how Joshua will feel to know that his father loves and cares for
26 him and has been trying for over 9 years to be in his life. Megan's belief that
27 Joshua would be better off not knowing myself, his father, is unfounded. There are
28 millions of kids who have stepfathers and they are fine. They have normal lives.

1 Yes, even a good percentage of those kids have a parent that is incarcerated
2 and they still live good lives. While, it will come as a shock to Joshua that I
3 am his father and have been trying to have a relationship with him for over
4 9 years, this Court needs to remember it is Megan who created this problem.
5 If she was honest then this wouldn't be an issue. She would rather have this Court
6 perpetuate the lie she raised him on.
7 Now let's focus on Levi. He says that he doesn't want anything to do with me.
8 He is 15 years old. Yet it wasn't until about 3 years ago that Megan would talk
9 to him about me. So for 6+ years our son felt like his father abandoned him. Let
10 back to page 2 and to what happened that night. A five year old who loves his
11 daddy has his daddy disappear. His mom will not talk about me. So he learns
12 to not ask about daddy. He thinks that daddy doesn't care about him. This is
13 what Megan made Levi believe when I suddenly disappeared. So why would a
14 15 year old who believes his father wants nothing to do with him for over 6
15 years want to know him? Megan refused to give Levi birthday cards, Christmas cards,
16 letters or presents I've sent. Megan clearly wants to erase me from our boys' life.
17 Seeing as I'm incarcerated she saw her opportunity and took it. The only problem she
18 now faced was my mother, Susan Zeporic. How could our sons truly forget about
19 me and believe the lies she fed them when grandma Susan was still around.
20 Megan likes to tell anyone who will listen that grandma Susan was not a
21 contributing factor emotionally, physically or financially in raising our sons. Yet
22 what Megan fails to tell this Court and others is that she was the contributing
23 factor to this. Megan will swear to this Court that she and our sons were too busy
24 to be able to spend time with their grandma Susan. It was Megan who made sure
25 that they were busy and couldn't see her. My mother would text and call Megan asking
26 for when she could see the boys. Megan would not respond at first and then after a few
27 days to a week she'll say they are busy. There was no attempt on Megan's part to
28 keep grandma Susan in our boys' lives. Any parent knows that if you want to make

1 sure your children have a relationship with grandparents you make the attempt
2 to schedule time. Megan did the opposite. When time was found for grandma
3 Susan to come over and visit, Megan needed to "supervise" the visit. It had
4 nothing to do with ensuring that our children were emotionally okay. Instead it
5 had everything to do with making sure grandma Susan did not say anything about
6 me. If grandma Susan was approved by Nevada's CPS to supervise my visits then
7 why does Megan need to supervise her? Megan would not let her take our sons to
8 Mc Donalds. This had nothing to do with our sons but everything to do with her
9 lies and her life.

10 Next I must address the allegations Megan has told this Court about me. She
11 makes the claim that my "fiance" from Facebook has called to harass/threaten
12 her about me visiting/talking to our sons. First, I did not meet Samantha on Facebook
13 I met her through a friend in jail/prison. Second, this is news to me that Samantha
14 harassed/threatened Megan at all. Third, I have not been in a relationship with
15 Samantha for almost 2 years (we broke up March 2021). I even wrote a letter to
16 Megan letting her know any communication from Samantha after that was not
17 from me. Megan claims that I had Samantha harass and threaten her, yet
18 this is the first I'm hearing of this. We have had a Termination of Parental Rights
19 case and a case to modify my child support yet this never came up. If I was
20 harassing/threatening her then why wouldn't Megan inform this Court before now?
21 She couldn't because there was none and she has no proof. Instead she is
22 trying to tug on the heart strings of this Court and make me out to be a monster.
23 None of it is true though. Next, she alleges that I continue to file litigation
24 to pressure her into forgiving my arrears. This is such a lie. I have not
25 discussed my arrears with her since my filings in this Court. I have not
26 called, emailed or written letters asking her to forgive my arrears. Actually, if
27 anything, I've instead been trying to get her to file her schedule of arrears like
28 the Judge told her to. I would ask Megan again to provide proof of her


1 baseless accusations. Also, my appeal had nothing to do with Megan. It was my
2 choice and my right and as such cannot be used against me. This filing has
3 nothing to do with child support and isn't used to harass her. I have a right to
4 be in our sons lives and want this Court to protect that right. Lastly, Megan says
5 according to Court records I'm not getting out this year. I don't know what court
6 records she is viewing but I go to parole in 5 months and my P.E.D is 9/27/23
7 Megan wants this Court to believe that what she is doing is best for our
8 sons. Instead what the Court needs to see is that she is being manipulative and
9 looking out for her best interest. If this Court needs to see her mindset all it needs
10 to do is read her Opposition where she refers to our sons as "my" sons/children.
11 She has created the issues presented in this case. It is her lies that she doesn't
12 want exposed. She claims that I am selfish for wanting a relationship with our
13 sons, to see them in prison. Yet prison is a supervised environment in which our
14 sons would be protected from harm. Megan wants this Court to wait until I'm
15 out to grant my request as if she won't rebile me then as well. I am bringing this
16 Court a reunification plan that slowly allows for a relationship. The best thing for
17 all parties is to grant this motion in its entirety and begin the healing process.
18 Giving joint legal will force Megan to communicate with myself. I contend that
19 if Megan is so worried about our sons emotional health then she should
20 enroll them into a christian counseling program. Actually that this Court should
21 order counseling in order to make sure they are okay. Megan will say that she can't
22 afford it but if she filed for the Schedule of Arrears then she would have the arrears
23 at her fingertips and able to spend it on our sons well being. Lastly, I urge this Court
24 to recall our TPR hearing in Dec of 2021. When Megan told the Judge she would
25 refuse the Court's authority and order if ordered to allow me visitation or a
26 relationship with our sons. She doesn't want me in their lives and will do anything
27 to make sure she gets what she wants by manipulation and lying as well. This isn't
28 about our sons, its all about her.

CONCLUSION

In conclusion it is in the best interest of this Court and case for my Motion to be granted in full. It is in the best interest of our sons to have a relationship with me, well to start to build one. This Court must see Megari's Opposition for what it is - a plea for this Court to help her keep her lies hidden. She makes baseless accusations against myself to portray me as a monster and influence this Court. I may be a sex offender but I'm a good father to our sons. I'm a model inmate and stay out of trouble. It is up to this Court to look through all the mud that has been slung and see the truth and grant my motion in full.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct to my knowledge and doesn't contain the social security number of any person per NRS 239B.030.

Dated this 12 day of January, 2023



Dustin Barral #1108615-

LCC

1200 Prison Rd

Lovelock, NV 89419


Plaintiff in Pro Se

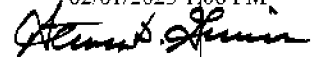
CERTIFICATE OF SERVICE

I hereby declare that I provided a true and correct copy of the foregoing
RESPONSE TO DEPOSITION TO MOTION AND NOTICE OF MOTION TO MODIFY CHILD
CUSTODY, VISITATION AND/OR CHILD SUPPORT and was sent to the following
address(es) on this 12 day of January, 2023, by placing same in
the 1st Class US mail:

Heggen Johnson
4478 E. Quail Ave
LV, NV 89120

Date of this 12 day of January, 2023.


Dustin Baral #1108615
LCC
1200 Prison Rd
Lowelock, NV 89419
Plaintiff in Pro Se



CLERK OF THE COURT

1 **ORDR**

2 DISTRICT COURT
3 FAMILY DIVISION
4 CLARK COUNTY, NEVADA

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

CASE NO. D-12-458737-Z

DEPT. NO. W

8 **ORDER**

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

13 The Court FINDS Mr. Barral has been incarcerated since May 2013 and is scheduled to
14 be paroled in September 2023 and seeks joint legal custody of the parties' two children at this
15 time. Legal custody involves having basic legal responsibility for a child and making major
16 decisions regarding the child, including the child's health, education, and religious
17 upbringing. Joint legal custody requires that the parents be able to cooperate, communicate,
18 and compromise to act in the best interest of the child. *Rivero v. Rivero*, 125 Nev. 410, 420, 216
19 P.3d 213, 221 (2009), citing *Mosley v. Figliuzzi*, 113 Nev. 51, 60-61, 930 P.2d 1110, 1116
20 (1997). In a joint legal custody situation, the parents must consult with each other to make
21 major decisions regarding the child's upbringing. Given Mr. Barral's incarceration, Ms.
22 Johnson is unable to communicate effectively with Mr. Barral to gain input on major decisions
23 for the children. Further, Mr. Barral has not seen his sons since May 2013, when the children
24 were 5 and 3, and they are now 15 and 13 and given his situation he does not have any
25 understanding of their needs in which to have an informed conversation with Ms. Johnson
26 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
commitments in a foreign country:

2 (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
3 the child for the purposes of applying the terms of the Hague Convention as set
forth in subsection 7.

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

6 must be in an amount determined by the court and may be used only to pay for
the cost of locating the child and returning the child to his or her habitual
7 residence if the child is wrongfully removed from or concealed outside the
country of habitual residence. The fact that a parent has significant commitments
8 in a foreign country does not create a presumption that the parent poses an
imminent risk of wrongfully removing or concealing the child.
9

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

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

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

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

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

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

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

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

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

23 1. If JOINT PHYSICAL CUSTODY has been established pursuant to an
order, judgment or decree of a court and one parent intends to relocate his or her
24 residence to a place outside of this State or to a place within this State that is at
such a distance that would substantially impair the ability of the other parent to
25 maintain a meaningful relationship with the child, and the relocating parent
desires to take the child with him or her, the relocating parent shall, before
26 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.

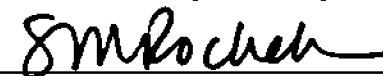
18 **NOTICE IS HEREBY GIVEN** that pursuant to NAC 425.165 and NRS 425.620, if the order
19 pertains to more than one child and does not allocate a specific amount of the total child
20 support obligation to each child, and if you want to adjust the amount of child support
21 established in this order, 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
CLARK COUNTY, NEVADA
4

5
6 In the Matter of the Joint Petition CASE NO: D-12-458737-Z
for Divorce of:
7 DEPT. NO. Department W
8 Megan Elizabeth Barral and
Dustin James Barral
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11
12 This automated certificate of service was generated by the Eighth Judicial District
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
via United States Postal Service, postage prepaid, to the parties listed below at their last
19 known addresses on 2/2/2023

20 Dustin Barral #1108615
21 LCC
1200 Prison Rd
22 Lovelock, NV, 89419
23 Megan Barral 4478 E Quail AVE
Las Vegas, NV, 89120
24
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.

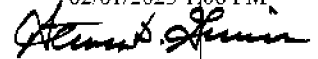
I hereby certify that on the above file-stamped date, I caused the foregoing Notice
to be served by: facsimile, by placing a copy in the attorney's folder in the Court clerk's
office, by e-service, by e-mailing or by mailing to:

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

1 **ORDR**

2 DISTRICT COURT
3 FAMILY DIVISION
4 CLARK COUNTY, NEVADA

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

CASE NO. D-12-458737-Z

DEPT. NO. W

8 **ORDER**

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10 Custody, Visitation, and/or Child Support filed December 22, 2022, ("Motion") Plaintiff
11 Megan Johnson's Opposition to the Motion, the Reply, and the Exhibits, as well as the other
12 pleadings and papers filed in this case, and good cause appearing,

13 The Court FINDS Mr. Barral has been incarcerated since May 2013 and is scheduled to
14 be paroled in September 2023 and seeks joint legal custody of the parties' two children at this
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16 decisions regarding the child, including the child's health, education, and religious
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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*

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3 the child for the purposes of applying the terms of the Hague Convention as set
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imminent risk of wrongfully removing or concealing the child.
9

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

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to an order, judgment or decree of a court and the custodial parent intends to
12 relocate his or her residence to a place outside of this State or to a place within
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custodial parent desires to take the child with him or her, the custodial parent
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16 party may request that the Court review the child support obligation every three years or upon
17 changed circumstances.

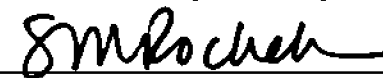
18 **NOTICE IS HEREBY GIVEN** that pursuant to NAC 425.165 and NRS 425.620, if the order
19 pertains to more than one child and does not allocate a specific amount of the total child
20 support obligation to each child, and if you want to adjust the amount of child support
21 established in this order, 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

Lovelock, NV, 89419

23 Megan Barral

4478 E Quail AVE

Las Vegas, NV, 89120

03/07/2023

Heather S. Lemin

CLERK OF THE COURT

Case No. D-12-456731-2Dept. No. 60

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

1 CERTIFICATE OF SERVICE

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

6
7 Neyan Johnson
8 4478 E. Grand Ave
9 LV, NV 89120
10
11
12
13
14
15


16
17 
18 Dusha Boral # 1168615
19 Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

20 Plaintiff In Pro Se

21 AFFIRMATION PURSUANT TO NRS 239B.030

22
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 
28 Dusha Boral

Plaintiff In Pro Se



1 ASTA
2
3
4
5
6

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

10 In the Matter of the Joint Petition for Divorce of:

11 MEGAN ELIZABETH BARRAL nka MEGAN
12 ELIZABETH HAMMONDS AND DUSTIN
13 JAMES BARRAL,

14 Petitioner(s)

Case No: D-12-458737-A

Dept No: W

15
16 **CASE APPEAL STATEMENT**

17 1. Appellant(s): Dustin Barral

18 2. Judge: Stacy M. Rocheleau

19 3. Appellant(s): Dustin Barral

20 Counsel:

21 Dustin Barral #1108615
22 1200 Prison Rd.
23 Lovelock, NV 89419

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

25 Counsel:

26 Megan Elizabeth Barral
27 4478 E. Quail Ave.
28 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

**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

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

| | | | | |
|-------------|------------|-------------|---------------|----------------|
| PRINT DATE: | 04/07/2023 | Page 1 of 3 | Minutes Date: | April 06, 2022 |
|-------------|------------|-------------|---------------|----------------|

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

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 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.

| | | | | |
|-------------|------------|-------------|---------------|----------------|
| PRINT DATE: | 04/07/2023 | Page 2 of 3 | Minutes Date: | April 06, 2022 |
|-------------|------------|-------------|---------------|----------------|

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

INTERIM CONDITIONS:

FUTURE HEARINGS:

| | | | | |
|-------------|------------|-------------|---------------|----------------|
| PRINT DATE: | 04/07/2023 | Page 3 of 3 | Minutes Date: | April 06, 2022 |
|-------------|------------|-------------|---------------|----------------|

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

Certification of Copy and Transmittal of Record

State of Nevada }
County of Clark } SS:

Pursuant to the Supreme Court order dated March 27, 2023, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the complete trial court record for the case referenced below. The record comprises one volume with pages numbered 1 through 224.

In the Matter of the Joint Petition for Divorce of:

MEGAN ELIZABETH BARRAL;
DUSTIN JAMES BARRAL.

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 10 day of April 2023.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

