**OBJ**

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION – JUVENILE

CLARK COUNTY, NEVADA

In the Matter of: ) Case No.:

) Dept. No.:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  ) Courtroom:

DOB: )

AGE: \_\_ YEARS OLD )

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**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  )

DOB: )

AGE: \_\_ YEARS OLD )

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DOB: )

AGE: \_\_ YEARS OLD )

)

Minors. )

**OBJECTION TO HEARING MASTER’S RECOMMENDATIONS**

COME NOW, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, and **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, by and through their counsel, **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, Esq., of FIRM, and hereby object to the Recommendations of Hearing Master **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**.

This Objection is made and based upon the following Memorandum of Points and Authorities, the affidavits attached hereto, the exhibits attached hereto, the papers and pleadings on file herein, and such other documentary and oral evidence as may be presented at the hearing of this Motion.

DATED this \_\_\_\_\_\_\_ day of April, 2012.

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTICE OF MOTION**

TO: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, ESQ, DEPUTY DISTRICT ATTORNEY-JUVENILE DIVISION, FAMILY COURT

TO: **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**, CASE MANAGER, AND DEPARTMENT OF FAMILY SERVICES

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the above-entitled Objection on for hearing before Department O of the Eighth Judicial District Court, Family Division, 601 North Pecos, Las Vegas, Nevada, on the day of , 2012 at a.m./p.m., or as soon thereafter as counsel may be heard.

DATED this day of , 2012

Submitted by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**MEMORANDUM OF POINTS AND AUTHORITIES**

1. **STATEMENT OF FACTS**

On or about July 27, 2004, siblings \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_”), \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”) and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_”), were first declared wards of the Court as a result of their mother’s unstable mental health condition, their mother’s inability to provide for the children, and their father’s incarceration. The children were placed together in the home of their paternal grandmother, and she was given guardianship over the children on November 10, 2004. The guardianship was terminated on December 11, 2006 following allegations of physical abuse inflicted upon the children’s oldest sister \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_ were placed together in a higher level of care foster home through the Apple Grove agency. \_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ still live together in the Apple Grove home at the present time. Following admissions to mental health facilities, the Department of Family Services (“DFS”) decided that an even higher level of care foster home would be appropriate for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. This additional treatment was not intended to permanently separate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from his siblings. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was then moved to St. Jude’s Ranch for Children, pending an opening at the Oasis On-Campus Treatment Home (“Oasis”). \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ then moved into Oasis on April 12, 2010. Since their separation, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and his siblings have continually inquired about when they would be reunited and voiced their lifelong desires to be placed together once again.

Following placement for over one (1) year at Oasis, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved into a Desert Regional Center (“DRC”) home on August 15, 2012. Since that time, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s behaviors have stabilized greatly. During \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s residence in the DRC home, an incident occurred in which there was a sexual encounter between a reportedly sexually-reactive sixteen (16) year old male co-resident and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who was nine (9) years old at the time of the incident. Even though the DRC home was aware of the sexually-reactive teenager, lack of supervision at the DRC home led to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s victimization. The staff member on duty at the time of the incident was terminated, and remedial measures including alarm installations were taken to ensure safety in the home. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s treating therapist maintained that “due to the nature of the incident and the age differential \_\_\_\_\_\_\_\_\_\_\_ would be considered a victim and not a perpetrator.”[[1]](#footnote-1) On February 6, 2012, DRC staff conveyed an opinion that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was ready to be placed in an adoptive home based upon his progress.

Just as \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has not been hospitalized since residing in the DRC home, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has also not been placed in a mental health facility since July 27, 2011. In its Report for Permanency and Placement Review, filed on March 1, 2012, DFS stated that “\_\_\_\_\_\_\_\_\_\_\_ has made a complete turn around [sic]. It appears that his surroundings play a large part in his behavior. His current placement has allowed \_\_\_\_\_\_\_\_\_\_\_ to be normal child [sic].”[[2]](#footnote-2) According to \_\_\_\_\_\_\_\_\_\_\_’s DFS caseworker, he “recently was at \_\_\_\_\_\_\_\_\_\_\_’s school and one of her teachers talked to this worker about what a wonderful student \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_is. It was reported that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_is always in a good mood and a great student to have in class.”[[3]](#footnote-3) The caseworker further maintained that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_“continues to open up” and “is coming into her own.”[[4]](#footnote-4) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_does not exhibit behavioral problems, and she does not pose a threat of any kind to her siblings when placed with them.

The treating individual therapist for both \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is \_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_\_\_\_”) and not the DRC psychologist \_\_\_\_\_\_\_\_\_\_\_ (“\_\_\_\_\_\_\_\_\_\_\_”). Although it was the opinion of the DRC psychologist that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ought to be placed in an adoptive home alone, she is ultimately not his treating individual therapist or in a position to opine knowledgeably about the best interests of his sisters. She also did not possess any firsthand knowledge of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s sisters. \_\_\_\_\_\_\_\_\_\_\_ was not in the position of \_\_\_\_\_\_\_\_\_\_\_, an individual therapist with a great deal of quality time invested in working with both \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. When \_\_\_\_\_\_\_\_\_\_\_ asserted that the needs of the \_\_\_\_\_\_\_\_\_\_\_ children would be greater than any parents could handle, no empirical data supported her comments. Hearing Master \_\_\_\_\_\_\_\_\_\_\_ ultimately did not hear from the children’s treating individual therapist when deciding that the siblings should never be placed together again.

The treating individual therapist \_\_\_\_\_\_\_\_\_\_\_, who does individual therapy for both \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, stated the following in a letter regarding sibling placement dated March 23, 2012:

Based on the information and knowledge I have of \_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_at this time I would recommend *without reservation* that they be afforded the opportunity to be placed together.[[5]](#footnote-5)

Although at the review hearing on March 6, 2012 Hearing Master \_\_\_\_\_\_\_\_\_\_\_ initially considered setting a status check to consider the opinion of treating therapist \_\_\_\_\_\_\_\_\_\_\_, he ultimately chose to disregard this crucial therapeutic opinion regarding placement of the children. Hearing Master \_\_\_\_\_\_\_\_\_\_\_ stated that he believed the DRC psychologist \_\_\_\_\_\_\_\_\_\_\_ to be “in the best position to determine the best interest of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.” In error, Hearing Master \_\_\_\_\_\_\_\_\_\_\_ rendered a decision to separate the bonded siblings forever without first hearing from the children’s current and longtime individual therapist, \_\_\_\_\_\_\_\_\_\_\_.

1. **LEGAL ARGUMENT**
2. **The Court Should Reverse Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’ Recommendation That The \_\_ Siblings Should Be Adopted Separately Because Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Erroneously Disregarded The Opinion Of The Children’s Treating Therapist \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.**

E.D.C.R. Rule 1.46 provides in pertinent part:

(g) Within 10 days after the evidence is closed, the master must present to the presiding judge all papers relating to the case, written findings of fact and recommendations.

1. Within the above time period, the master must serve upon the parties or their attorney of record and, if no attorney of record, the minor's parent or guardian or person responsible for the child's custodial placement, a written copy of the master's findings and recommendations and must also furnish a written explanation of the right of parties to seek review of the recommendations by the presiding judge.

. . .

5. At any time prior to the expiration of 5 days after the service of a written copy of the findings and recommendations of a master, a party, a minor's attorney or guardian or person responsible for the child's custodial placement may file an objection motion to the supervising district court judge for the division represented by the master for a hearing. Said motion must state the grounds on which the objection is based and shall be accompanied by a memorandum of points and authorities.

6. A supervising district judge may, after a review of the record provided by the requesting party and any party in opposition to the review, grant or deny such objection motion. The court may make its decision on the pleadings submitted or after a hearing on the merits. In the absence of a timely objection motion, the findings and recommendation of the master, when confirmed or modified by an order of the supervising district court judge, become an order of the court.

7. All objection motion hearings of matters initially heard before a master will be before the supervising district judge who may at his or her discretion conduct a trial de novo. The court will review the transcript of the master's hearing, unless another official record is pre-approved by the reviewing judge, and (1) make a decision to affirm, modify, or remand with instructions to the master or (2) conduct a trial on all or a portion of the issues.

8. A supervising district court judge may, on the court's own motion, order that a rehearing of any matter be heard before a master.

9. No recommendation of a master or disposition of a juvenile case will become effective until expressly approved by the supervising district court judge.

On behalf of \_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Counsel respectfully submits that it was erroneous for Hearing Master \_\_\_\_\_\_\_\_\_\_\_ to determine that the sibling presumption listed in NRS 432B.550(5)(a) was rebutted, in light of the fact that Hearing Master \_\_\_\_\_\_\_\_\_\_\_ dismissed Counsel’s request for the court to consider the therapeutic opinion of treating therapist \_\_\_\_\_\_\_\_\_\_\_. Hearing Master \_\_\_\_\_\_\_\_\_\_\_ made the crucial determination to permanently split the siblings into separate adoptive homes without hearing from \_\_\_\_\_\_\_\_\_\_\_, the therapist for \_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

During the review hearing on March 6, 2012, Hearing Master \_\_\_\_\_\_\_\_\_\_\_ was informed by Court Appointed Special Advocate (“CASA”) \_\_\_\_\_\_\_\_\_\_\_ that the children’s treating individual therapist \_\_\_\_\_\_\_\_\_\_\_ had personally communicated her favorable opinion on the placement of the children together. Hearing Master \_\_\_\_\_\_\_\_\_\_\_ initially indicated that he would permit \_\_\_\_\_\_\_\_\_\_\_ to address the court at a status check to be set out ninety (90) days before rendering a decision to split the children up forever. However, Hearing Master \_\_\_\_\_\_\_\_\_\_\_ then erroneously ruled on the presumption without permitting the therapist to communicate her vital opinion to the court.

The recommendation to forever separate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ from his sisters was made by Hearing Master \_\_\_\_\_\_\_\_\_\_\_ after hearing from only one service provider, DRC psychologist \_\_\_\_\_\_\_\_\_\_\_, who is not the treating therapist of any of the children. Dr. Shannon is employed as a psychologist by DRC and has never treated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_or \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_ has no basis on which to comment on what is in the best interests of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. On the other hand, \_\_\_\_\_\_\_\_\_\_\_ in her own words has “been providing weekly clinical services to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for approximately a year and a half.”[[6]](#footnote-6) To disregard the therapeutic opinion of the treating individual therapist, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, is clearly erroneous. It is precisely this erroneous omission that warrants a reversal of Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’ ultimate conclusion regarding the sibling presumption. In light of the dire life-altering consequences inherent in the separation of siblings into separate adoptive homes and the legal presumption in NRS 432B.550(5)(a) governing sibling placement, this decision by Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to rule on the matter without first hearing from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was clearly erroneous.

In her letter regarding placement of the children, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ referred to the “one singular incident of inappropriate sexual behavior” involving \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ which occurred at the DRC home.[[7]](#footnote-7) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ stated as follows:

Due to the nature of the incident and the age differential would be considered a victim and not a perpetrator. A significant part of his therapeutic work has been addressing his history of sexual trauma and identifying appropriate boundaries for which he has responded very well.[[8]](#footnote-8)

Whereas the DRC psychologist based her opinion that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ should be adopted alone on the premise that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s history of sexual behaviors would put other children at risk, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s own treating therapist maintained that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was merely a victim rather than a perpetrator in the DRC home. Furthermore, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s treating therapist stated that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been successfully addressing his history in therapy.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ also commented on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s desire to be placed with his sisters. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ stated as follows:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has a strong desire to be reunited with his sisters. In fact, he inquires weekly with this intern if his behavior has improved enough for him to be placed with his sisters. Should \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ not be given the opportunity to be placed with his siblings I believe it would be detrimental to his overall mental well being and functioning.[[9]](#footnote-9)

In her letter, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ also commented on the history of sexual victimization of her patient \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ stated that during the time she has treated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, there have been “no incidents of sexualized behavior other than normal, age/developmentally appropriate behaviors.”[[10]](#footnote-10) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ similarly commented on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s desire to reunify with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ stated that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ remains hopeful that she will reunite with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.[[11]](#footnote-11) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ also stated that she believed “it would negatively impact her emotional well being should being placed together be ruled out as an option.”[[12]](#footnote-12) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ concluded that she would recommend *without reservation* that the children be afforded the opportunity to be placed together.[[13]](#footnote-13) When Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hastily concluded that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ should never again be placed with his siblings, he erroneously did so without consideration of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s crucial therapeutic opinions.

1. **In Accordance With The Best Interest Presumption In NRS 432B.550(5)(a),** \_\_\_\_\_\_\_\_\_\_\_**, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, And \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Should Be Afforded The Opportunity To Be Placed Together.**

NRS 432B.550(5)(a) specifically mandates as follows:

5.  In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

Sibling relationships are too important to ignore or dismiss. Recognizing this, the Nevada Legislature amended NRS 432B.550 in 1999 to add a preference for the co-placement of siblings taken into the protective custody of the County or State.[[14]](#footnote-14) In 2005, the Nevada Legislature replaced this weaker “preference” for sibling co-placement with a *mandatory presumption*, through an amendment to NRS 432B.550.[[15]](#footnote-15) It became the express public policy of this State to *presume* that co-placement with siblings is in the best interests of a child, and that there is an *affirmative duty* on State and County child welfare agencies to keep sibling groups intact. It was clearly erroneous for Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to find that DFS no longer has a duty to keep the siblings together without considering the opinion of the children’s treating individual therapist.

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1. **The Court Should Reverse Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’ Recommendation Because The Presumption That Siblings Must Be Placed Together Has Not Been Rebutted And It Is In The Best Interest Of The \_\_\_\_\_ Siblings To Be Placed In The Same Adoptive Home.**

The children’s treating therapist \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, who has provided weekly individual therapy to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for over one and a half (1 ½) years, has provided a justified therapeutic opinion that it would be in the best interests of the \_\_\_\_\_\_\_\_\_\_\_ siblings to have an opportunity to be placed together in the same adoptive home. Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was unable to render a fully informed decision regarding the sibling presumption in light of the fact that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_'s opinion was consciously excluded. The sibling relationship is oftentimes the longest lasting relationship in a person's life. If DFS is directed by the court to make no efforts to recruit for one adoptive resource for all three children, the children will be separated into different homes in perpetuity.

The \_\_\_\_\_\_\_\_\_\_\_ children are undeniably bonded to one another. During the years that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has been placed apart from \_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the siblings have never stopped asking their attorney, caseworkers, therapists, and service providers when they will be allowed to reunite under the same roof. In her letter, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ clearly represented her clients' repeated requests for placement with one another. Considering the fact that both \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ are victims who are continually making progress in therapy regarding their own victimization, and their treating therapist believes without reservation that the children should have an opportunity to be placed together, it was clearly erroneous for Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to hastily find that the sibling presumption had been overcome.

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1. **CONCLUSION**

Based upon the above and foregoing, Counsel respectfully requests this Honorable Court

to grant the following relief:

1. Review Hearing Master \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’ Recommendations, and
2. Order that DFS make reasonable efforts to place the children together in a single adoptive home.

Respectfully submitted this \_\_\_\_\_\_\_ day of April, 2012.

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Letter from Therapist \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, dated 3/23/12, attached hereto as “Exhibit A.” [↑](#footnote-ref-1)
2. DFS Report for Permanency and Placement Review, filed 3/1/12, p. 9, attached as “Exhibit B.” [↑](#footnote-ref-2)
3. *Id.* at p. 5. [↑](#footnote-ref-3)
4. *Id.* at p. 6. [↑](#footnote-ref-4)
5. Letter from Therapist \_\_\_\_\_\_\_\_\_\_\_, dated 3/23/12, attached hereto as “Exhibit A” (emphasis added). [↑](#footnote-ref-5)
6. *Id.* [↑](#footnote-ref-6)
7. *See* Letter from Therapist \_\_\_\_\_\_\_\_\_\_\_, dated 3/23/12, attached hereto as “Exhibit A.” [↑](#footnote-ref-7)
8. *Id*. [↑](#footnote-ref-8)
9. *Id.* [↑](#footnote-ref-9)
10. *See Id.* [↑](#footnote-ref-10)
11. *See Id.* [↑](#footnote-ref-11)
12. *Id.* [↑](#footnote-ref-12)
13. *See Id.* [↑](#footnote-ref-13)
14. The original language in 1999 stated as follows: “In determining the placement of a child … , if the child is not permitted to remain in the custody of his parents or guardian, preference must be given to *placing the child***:**

    *(a) With* any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this state.

    *(b) If practicable, together with his siblings*.”

    70th Legislative Session, Nevada Assembly Bill 158, strikethrough signifies deletions, italics signifies newly added language. [↑](#footnote-ref-14)
15. The amended language is stated as follows:

    5.  In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of his parents or guardian**~~[~~**~~, preference~~**]** ***:***

    *(a) It must be presumed to be in the best interests of the child to be placed together with his siblings.*

    *(b) Preference*must be given to placing the child**~~[~~**~~:~~

    (a) ~~With~~**~~]~~** *with*any person related within the third degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

    **~~[~~**~~(b) If practicable, together with his siblings.~~**~~]~~** [↑](#footnote-ref-15)