PET

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION – JUVENILE

CLARK COUNTY, NEVADA

In the Matter of: ) Case No.: ) Dept. No.:

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

DOB: )

AGE: YEARS OLD )

)

A Minor. )

)

**PETITION FOR SIBLING VISITATION AND MOTION FOR**

**PAYMENT OF TRAVEL COSTS**

COMES NOW, \_\_\_\_\_\_\_\_\_\_\_\_\_, Esq., of FIRM, by and on behalf of **CLIENT,** the minor child in the above-entitled action, and brings a Petition for Sibling Visitation and Motion for Payment of Travel Costs.

This Petition is based upon the following Memorandum of Points and Authorities, the papers and pleadings on file herein, and such other documentary evidence as may be presented at the hearing on this Petition.

DATED this \_\_\_\_\_\_ day of March, 2010.

**NOTICE OF HEARING ON PETITION FOR SIBLING VISITATION AND MOTION FOR PAYMENT OF TRAVEL COSTS**

TO: NAME, ESQ., DEPUTY DISTRICT ATTORNEY, JUVENILE DIVISION

TO: NAME, CASE MANAGER, DEPARTMENT OF FAMILY SERVICES

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing PETITION FOR SIBLING VISITATION AND MOTION FOR PAYMENT OF TRAVEL COSTS on for hearing before the above-entitled Court on the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2010, at \_\_\_\_\_\_\_.m in Department \_\_\_\_\_.

DATED this \_\_\_\_\_\_ day of March, 2010.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. FACTS**

CLIENT was brought into care on DATE. CLIENT has a brother, SIBLING, who is in the care of his fictive kin in X. CLIENT currently resides with her fictive kin, FICTIVE KIN. CLIENT has expressed her desire to visit her SIBLING in X, but there is no court order requiring visitation and the Department of Family Services (DFS) has refused to pay for CLIENT to visit SIBLING. CLIENT wishes to visit during her and her brother’s Spring Break, the first week of April.

**II. LEGAL ARGUMENT**

1. **This Court should order sibling visitation because visiting SIBLING is in CLIENT’s best interest.**

If a child is not placed with siblings, the Department of Family Services (“DFS”) must prepare “a plan for the child to visit his siblings, which must be approved by the court.” NRS § 432B.580(2)(b)(4)(II). DFS “*must* request the court to issue an order requiring the visitation set forth in the plan for visitation.” NRS § 432B.480(4). (emphasis added) Additionally, NRS 125C.050(2) provides a reasonable right of visitation to someone with whom the child has established a meaningful relationship.

There is no plan for visitation between CLIENT and SIBLING. DFS’s case plan acknowledges that SIBLING lives in X with his legal guardian; however, DFS has never asked for an order for sibling visitation. CLIENT has established a meaningful relationship with SIBLING, and it is in her best interest to visit him in X. CLIENT has expressed a desire to visit SIBLING, and she has no close ties to any other family. It is important for CLIENT to maintain contact with SIBLING because he is her brother, and it is the policy of Nevada to continue strong sibling bonds despite separate placements.

1. **DFS is statutorily required to pay for CLIENT to visit SIBLING in X.**

Nevada law requires DFS to provide maintenance payments for CLIENT’s transportation for sibling visitation. NRS 432.020 provides:

“An agency which provides child welfare services *shall*:

1. Provide, to the extent that support is not otherwise required by court order or pursuant to specific statute, maintenance and special services to:

…(b) Children who are placed in the custody of the agency which provides child welfare services, and who are placed in foster homes, homes of relatives other than parents or other facilities or institutions…” NRS 432.020 (emphasis added).

These maintenance payments are intended to compensate the care provider for “general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses.” NRS 432.010(7).

CLIENT is placed with her fictive kin, FICTIVE KIN, in Las Vegas, but SIBLING is placed in X. The statute explicitly requires DFS to pay for transportation costs, which includes transportation to visit siblings. Additionally, DFS must pay for “other necessary or incidental expenses” related to the visitation. If DFS did not pay for CLIENT to visit SIBLING, it would be cost prohibitive for her. It would undermine an order for sibling visitation to make CLIENT or her fictive kin bear the costs of transportation and other incidental expenses, and she would never be able to visit her brother in X. CLIENT and FICTIVE KIN are statutorily entitled to maintenance payments to facilitate visitation between CLIENT and SIBLING.

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**III. CONCLUSION**

Based on the foregoing, CLIENT respectfully requests that:

1. This Court order sibling visitation between CLIENT and SIBLING.
2. This Court require DFS to make a maintenance payment to CLIENT and FICTIVE KIN to facilitate visitation between CLIENT and SIBLING

DATED this \_\_\_\_\_\_ day of March, 2010.