**PMOT**

ATTORNEY CONTACT INFO

Attorney for XXX

In conjunction with Legal Aid Center of Southern Nevada Pro Bono Project

EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION – JUVENILE

CLARK COUNTY, NEVADA

In the Matter of: ) Case No.:

) Dept. No.:

**CLIENT,** ) HEARING REQUESTED

DOB: )

)

A MINOR. )

)

**NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING.**

**SUBJECT MINOR’S MOTION FOR NORMALCY**

COMES NOW Subject Minor, *CLIENT,* by and through counsel, *Attorney,*  Esq., of *Firm*, pursuant to NRS 159A.034(4), and hereby files this Motion for Normalcy.

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

DATED this Day day of Month, Year.

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

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**MEMORANDUM OF POINTS AND AUTHORITIES**

1. **Statement of Facts**

On or about September 14, 2018, Subject Minor *CLIENT* was taken into the care of the Clark County Department of Family Services. Subsequently, on or about October 23, 2018, Adoptive Mother, *Adoptive Mother*, pleaded No Contest to an amended petition against her, at which time legal and physical custody of Subject Minor *CLIENT* was transferred to the Clark County Department of Family Services for appropriate placement and services. That arrangement has continued to the present date, and currently Subject Minor *CLIENT* remains under the legal and physical custody of the Department of Family Services.

Subject Minor *CLIENT* is now seventeen years old. As a young woman, she desires to take more control over her own identity and the outward appearance she presents to the world. One way in which *CLIENT* would like to do that is by having her cheeks pierced. As a minor, however, she requires the consent of a legally responsible adult in order to proceed; and as a minor in the custody of the Department of Family Services, there is no other legally responsible adult besides the Department available to provide such consent. She therefore brings this motion requesting normalcy and an order that she may have her cheeks pierced.

1. **Argument**
   1. **Subject Minor is Entitled to Normalcy and Self Expression**

Nevada law is unambiguous in requiring that children and youth in the care of the State are to be treated as much like their peers who are not involved in the dependency system as is possible. For example, NRS 432.525 explicitly guarantees to youth in foster homes the rights “to be treated with dignity and respect,” “to fair and equal access to services, … care, [and] treatment,” “to receive…appropriate…clothing,” and “to communicate with other persons.” These policies are further codified at NAC 424.500, which requires foster homes to “encourage [their] child's autonomy,” and “provide care that is respectful toward [their] … interpersonal styles.” That section goes on to require that foster youth “must be afforded an opportunity to participate in…activities that promote self-expression and communication,” and “activities that promote normalcy for the child.”

* 1. **Body Piercings are a “Normal” and Safe Method of Self-Expression**

Modern American culture has thoroughly embraced body piercing as a method of personal beautification and self-expression. Ear piercings are so commonplace that young girls and even infants frequently have their ears pierced. The past several decades have seen a rapid increase in the mainstreaming of a variety of other body piercings, particularly facial piercings such as eyebrow, nose, and lip piercings. Although proper care must be exercised in selecting an appropriate service provider as well as in performing aftercare on the piercing site, when reasonable and prudent protocols are followed body piercing is a relatively safe method of self‑expression.

As noted above, youth in foster care, such as Subject Minor *CLIENT*, have a right to participate in activities that promote normalcy and self-expression, such as body piercing. Moreover, foster care providers are required to encourage their children to develop their autonomy and interpersonal style. Subject Minor *CLIENT* is attempting to do both here. She requests nothing more than fair and equal access to services available to many other young women her age who are not in the custody of the Department of Family Services, as well as the honoring of her rights to wear appropriate clothing—specifically jewelry—and thereby to communicate her identity to the world.

1. **Prayer for Relief**

WHEREFORE, asserting the above rights, Subject Minor *CLIENT* petitions this honorable court for the following relief:

* 1. An Order granting consent and permission for Subject Minor to have her cheeks pierced; and

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* 1. Such other relief as this Court deems just and proper.

DATED this Day day of Month, Year.

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

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***CERTIFICATE OF SERVICE***

I HEREBY CERTIFY that on the \_\_\_\_\_\_\_ day of *Month*, *Year*, I served the foregoing ***SUBJECT MINOR’S MOTION FOR NORMALCY***, by the Court’s electronic system (EFS E-File & Serve) and/or depositing in the U.S. Mail in a sealed envelope with first-class postage fully prepaid thereon, to the following:

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

An employee of

Firm