**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: Date of Birth )

 )

 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.**

**MOTION FOR ORDER GRANTING PERMISSION FOR TRAVEL OUTSIDE THE UNITED STATES AND TO OBTAIN A PASSPORT FOR TRAVEL**

COMES NOW, Attorney, Esq., of Firm, by and on behalf of CLIENT, a minor, and submits this Motion for Order Granting Permission for Travel Outside the United States and to Obtain a Passport for Travel.

This Motion is made and based upon the following Memorandum of Points and Authorities, the affidavit 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 day of Month, Year.

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

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. STATEMENT OF FACTS**

 This family came to the attention of Child Protective Services upon the report of CLIENT testing positive for amphetamines and methamphetamines at the time of his birth on Date. He was diagnosed with Hydrocephalus and had to be delivered by an emergency C-section. CLIENT suffered a significant amount of fluid on the brain and a shunt had to be placed to drain the fluid and relieve the pressure. Natural parents were inconsistent with their visits during his hospitalization and failed to complete classes at the hospital to learn how to care for CLIENT’S special needs. Neither parent could be located at the time he was ready for discharge.

 Abuse and neglect allegations were substantiated against both parents at prove-up hearings when they failed to appear. CLIENT was made a ward of this Court on Date. He has been placed in the home of his paternal grandfather, Grandfather and his family since Date. Natural mother’s whereabouts are currently unknown. She has not maintained contact with the Department of Family Services and has not been making progress on her case plan objectives. Natural father is currently incarcerated.

 Grandfather and his family plan to travel to Country for two to three weeks over the Christmas and New Year’s holidays to visit with his elderly mother, who resides there. The family wants CLIENT to make the trip with them and be able to meet his great-grandmother. Further, given his special needs, they are concerned about where they would leave CLIENT during their trip if he could not go with them and desperately want to avoid him having to go into foster-care.

**II. LEGAL ARGUMENT**

 This Court can make orders in the best interests of the child.

NRS 432B.560(1) provides:

1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification of the child, the natural mother of the child or the alleged father of the child pursuant to [NRS 126.121](https://1.next.westlaw.com/Link/Document/FullText?findType=L&pubNum=1000363&cite=NVST126.121&originatingDoc=N9DC674D199EC11E7B295E1972D4D36FD&refType=LQ&originationContext=document&transitionType=DocumentItem&contextData=(sc.UserEnteredCitation)).

In the instant case, it is in CLIENT’S best interest to be allowed to go on vacation with his grandfather and his family, the only care-givers and family this child has ever known, and to get to meet his extended family. It is also in his best interest to avoid having to enter foster-care and spend the holidays with strangers.

 Furthermore, without the order of the court, undersigned counsel anticipates that a passport for CLIENT could not be obtained in a timely manner due to natural father being incarcerated and the natural mother’s whereabouts being unknown. Giving that neither parent is currently engaged in CLIENT’S life, there is no concern that they would be negatively affected by the proposed travel plans.

**III. CONCLUSION**

 For the reasons outlined above, CLIENT respectfully requests that this Court grant the instant motion and issue an order authorizing paternal grandfather, Grandfather to obtain a passport for CLIENT and permitting CLIENT to travel to Country for up to three weeks in Month / Year.

 Respectfully submitted this Day day of Month, Year.

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

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

**AFFIDAVIT OF COUNSEL**

STATE OF NEVADA )

 )ss.

COUNTY OF CLARK )

 I, Attorney, after being first duly sworn, deposes and says:

1. I am a licensed practicing attorney, appointed to represent the subject minor, CLIENT. I have personal knowledge of the facts alleged herein or the assertions are based on information and belief.
2. I have spoken with CLIENT’S paternal grandfather, Grandfather who plans to travel to Country for up to three weeks over the holidays in late Month/Year.
3. I have been informed by Grandfather that his entire family plans to visit with his mother who resides in Country and it is their desire for CLIENT to be able to meet her.
4. I have been informed by Grandfather that they have no one else to care for CLIENT in their absence and they are distraught at the idea of leaving him in foster-care over the holidays.
5. I have been assured by Grandfather that he and his family intend to return to the United States within three weeks of departure, as they own their home, have dogs, he and his wife have jobs, and their minor children must return to school after the Christmas Break.
6. I have been informed by CLIENT’S caseworker, Caseworker, that CLIENT’S father, Father, is currently incarcerated in High Desert Correctional Facility and has no opposition to CLIENTgoing on the trip.
7. I have been given the last known address that CLIENT’S caseworker, Caseworker, has for CLIENT’S mother, Mother, but have been informed that she is not in contact with the Department of Family Services.
8. I have reviewed the U.S. Department of State’s website and learned that the average processing time for passport applications is 4 – 6 weeks.

By:

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

SUBSCRIBED AND SWORN to before me

this Day day of Month, Year.

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

NOTARY PUBLIC in and for

County of Clark, State of Nevada

***CERTIFICATE OF SERVICE***

 I HEREBY CERTIFY that on the Day day of Month, Year, I served the foregoing **MOTION FOR ORDER GRANTING PERMISSION FOR TRAVEL OUTSIDE THE UNITED STATES AND TO OBTAIN A PASSPORT FOR TRAVEL** 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:

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 An employee of

 Firm