**POPP**

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,** )

DOB: )

)

**OPPOSITION TO MOTION TO TERMINATE JURISDICTION AND END VOLUNTARY SERVICES**

*Client*, through her counsel, *Attorney*, Esq., of *Firm*, hereby files her Opposition to the Motion to Terminate Jurisdiction and End Voluntary Jurisdiction filed by the Clark County Department of Family Services (“DFS”). *Client* opposes the request to terminate jurisdiction and end services pursuant to NRS 432B.591 through 432B.595.

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

DATED this \_\_\_\_\_\_\_ day of *Month*, *Year*.

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

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**MEMORANDUM OF POINTS AND AUTHORITIES**

1. **Statement of Facts**

*CLIENT* came into the care of DFS for the first time in October 2015, when she was fourteen years old. While her eight siblings were also removed from the home, *Client* was the only child included on the first petition. *Client* was physically abused by her natural mother and kicked out of the family home. *See* Preliminary Protective Report, attached hereto as Exhibit 1. *Client* went to a shelter wherein she was transported to the emergency room due to her injuries. *Id*. at p.2 *Client*’s injuries included an open wound on the middle of her head, lower lip injury, swollen mouth, a severely swollen right hand, and bruising on her left bicep. *Id*. *Client*’s head had to be treated with staples to close the wound. *Id*.

The first petition was closed in May 2016 and soon thereafter, *Client* again was the only child in her family to come into care. In September 2016, *Client* was kicked out of the family home. *See* Confidential Protective Custody Report attached hereto as Exhibit 2. *Client* went to the park to let her mother cool off, but when she returned no one was home. *Id*. at p.2. When *Client* returned for the second time and found no one home, she broke a window to get into the home. *Id*. However, she found that her family and all of the belongings were gone. *Id*. The family moved to California and abandoned *Client*. *Client* spent the next three years struggling in foster care. *Id*.

*Client* exited foster care and entered the Voluntary Jurisdiction program in April 2019. Since then, *Client* has maintained contact with her counsel and her Step Up social worker. *Client* has never had an issue maintaining employment and housing.

*Client* acknowledges that her child was removed from her care in Carson City. However, in January 2020, *Client* had her child returned to her on an in-home safety plan. She was clearly working her case plan and making great strides when she was subsequently charged with concealment of a child from a court. This case is pending; *Client* has every intention of contesting this allegation and therefore cannot speak to the facts and circumstances surrounding the events. However, what is most relevant is *Client* maintains innocence and has *not* been convicted of the crime.

1. **Legal Argument**
2. ***Client* has made a good faith effort.**

Although there is a pending criminal charge, *Client* has made a good faith effort to adhere to the program’s requirements. Again, *Client* has never had an issue maintaining housing or employment. She has a housing voucher through Section 8, which covers her rent in its entirety. She was working for North Bay Industries wherein she was building American flags for veterans. When shelter in place order was issued, *Client*, like many others, was laid off from her job. Additionally, *Client* is pregnant with her second child and is due in a couple months. She is not expected to return to work before giving birth to her child.

1. ***Client* is the entitled to continue receiving the Voluntary Jurisdiction funds.**

*Client* needs and is entitled to continue receiving the Voluntary Jurisdiction funds. She needs the funds now more than ever considering the state of emergency and the arrival of her second child. Additionally, DFS is requesting to terminate voluntary jurisdiction due to a criminal *charge*. Termination is premature as *Client* has not been *convicted* of the crime and maintains her innocence. Moreover, *Client* is not incarcerated. She was immediately released on her own recognizance.

Lastly, *Client* needs this support. She has no family support and has had to rely on only herself since she was fifteen years old. This is exactly the time where *Client* needs guidance and support through the Voluntary Jurisdiction program. DFS argues that *Client* can participate in the FAFFY program, which provides no counsel to *Client* or the Court’s Jurisdiction to hear disputes. Moreover, FAFFY is a fallacy in *Client*’s circumstances. In the FAFFY program, DFS pays the youth’s rent directly and the youth receives any excess funds that remain. For *Client*, she would receive nothing. Under information and belief, since *Client* receives a full housing voucher, she would not receive the whole $773 a month, but would receive nothing at all.

1. **CONCLUSION**

*Client* respectfully requests that this honorable Court retains its jurisdiction whereby *Client* can remain in the Voluntary Jurisdiction program.

DATED this \_\_\_\_\_\_\_ 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 **OPPOSITION TO MOTION TO TERMINATE JURISDICTION AND END VOLUNTARY SERVICES**, 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*