**PMOT**

*ATTORNEY*, ESQ.

Nevada Bar No.

**LEGAL AID CENTER**

**of SOUTHERN NEVADA, INC.**

**CHILDREN’S ATTORNEYS PROJECT**

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EIGHTH JUDICIAL DISTRICT COURT

FAMILY DIVISION – JUVENILE

CLARK COUNTY, NEVADA

In the Matter of: ) Case No.: J

 ) Dept. No.:

**CLIENT 1,** ) Courtroom:

DOB: )

AGE: )

 ) **HEARING REQUESTED**

**CLIENT 2,**  )

DOB: )

AGE: )

 )

 Minors. )

**MOTION TO VACCINATE SUBJECT MINORS**

**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 FOURTEEN (14) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN FOURTEEN (14) 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.**

COMES NOW, Subject Minors, CLIENT 1 and CLINET 2, by and through their attorney, *Attorney*, Esq., of the Children’s Attorney’s Project of Legal Aid of Southern Nevada, Inc., and hereby files this Motion To Vaccinate The Subject Minors.

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This Motion is made in good faith and is based upon the following Memorandum of Points and Authorities, pleadings and papers on file, and any oral argument allowed at the time of the hearing of this matter.

DATED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2021.

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**MEMORANDUM OF POINTS AND AUTHORITIES**

1. **STATEMENT OF FACTS**

CLIENT 1 and CLIENT 2 were made wards of the court on October 13, 2020. CLIENT 1 and CLIENT 2 are currently residing in a foster home. The foster parents would like to take CLIENT 1 and CLIENT 2 on a cruise, so long as travel is permitted and safe. There is not yet a definitive travel date or destination planned.

CLIENT 1 and CLIENT 2 recently requested from this Court that they be allowed to obtain passports for the purpose of traveling outside of the United States with their foster parents. That request was granted by this Court on April 7, 2021. CLIENT 1 and CLIENT 2 now bring forth this Motion to be vaccinated for the purpose of international travel on a cruise ship with their foster parents.

1. **LEGAL ARGUMENT**
2. **It Is In The Subject Minors’ Best Interests To Be Vaccinated So That They May Travel Outside Of The United States.**

N.R.S. § 432B.560(1)(a) states that the court may order “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.”

In this case, CLIENT 1 and CLIENT 2 both wish to travel outside of the United States with their foster parents on a cruise ship and are requesting that this Court allow them to be vaccinated so that they may travel. The foster parents are also requesting that CLIENT 1 and CLIENT 2 be vaccinated for the same reason.

Due to the current global COVID-19 pandemic, the Centers for Disease Control and Prevention (“CDC”) recommends that persons be fully vaccinated for COVID by an FDA-approved vaccination prior to international travel, if available, and to get tested one to three days before departure.[[1]](#footnote-1) The risk of getting COVID while traveling is high, especially when planning to travel by cruise ships. The CDC reports that the chance of getting COVID-19 on cruise ships is very high because of the close proximity between travelers on the ship, and there have been reports of COVID-19 outbreaks on cruise ships. Risks of transmitting COVID on cruise ships are much higher, especially because of the person-to-person contact with passengers and crew members; events that bring passengers within close proximity, including buffet dining, entertainment events, and daily activities; the small size of the ship cabins; and the passengers are in a closed and semi-closed setting. Just last year, in March of 2020, there was a No-Sail Order issued by the CDC.[[2]](#footnote-2) The CDC later issued additional orders renewing and modifying the prior No-Sail Order and a Conditional Sailing Order that established a framework and guidelines of safety protocols for cruise ship lines.[[3]](#footnote-3) Currently, many cruise lines are requiring passengers to be vaccinated prior to traveling on their ship. Countries and destinations may also have their own set of COVID safety requirements for travelers prior to entering their territory.

Because of the current COVID outbreak and traveling requirements issued by many cruise ship lines, it would be in CLIENT 1 and CLIENT 2’s best interest to receive the COVID-19 vaccine prior to traveling outside of the United States so that they do not catch and unknowingly spread COVID to others. Because CLIENT 1 and CLIENT 2 will be traveling by cruise ship, there is a high risk of spread of COVID, especially due to the close proximity within the ship and small spaces. If CLIENT 1 and CLIENT 2 are not vaccinated, there is a great chance that they will not be allowed to travel on the ship. And, even if not required by the chosen cruise line, there remains a great chance that CLIENT 1 and CLIENT 2 will be at a high risk of catching and unknowingly spreading this disease to others while traveling and/or upon their return.

Thus, for these reasons, it would be in the best interest of CLIENT 1 and CLIENT 2 to be vaccinated prior to traveling overseas.

1. **The Subject Minors Are Both Over 16 Years Old And Are Eligible To Be Vaccinated For COVID-19.**

Eligibility for a child to be vaccinated for COVID depends on the child’s age. Of the three vaccines currently available, Pfizer-BioNTech, is the only vaccine authorized for people 16 years of age and older.[[4]](#footnote-4) Recently, as of March 31, 2021, Pfizer-BioNTech announced that its vaccine is also safe for children ages 12 to 15 years old and is currently awaiting FDA approval for children in this age group to receive its vaccine.[[5]](#footnote-5)

In this case, CLIENT 1 and CLIENT 2 are both over the age of 16 years old. If this Court grants this Motion to vaccinate CLIENT 1 and CLIENT 2 for COVID, they would both be eligible to receive the Pfizer-BioNTech vaccination.

1. **CONCLUSION**

Based on the foregoing, CLIENT 1 and CLIENT 2 respectfully request that this Court grant their Motion to be vaccinated so that they may travel outside of the United Stated with their foster parents.

DATED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2021.

 **LEGAL AID CENTER**

 **OF SOUTHERN NEVADA, INC.**

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***CERTIFICATE OF MAILING***

I HEREBY CERTIFY that on the \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_, 2021, I served the foregoing ***MOTION TO VACCINATE SUBJECT MINORS*** 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:

DISTRICT ATTORNEY, Esq.

Deputy District Attorney Juvenile

Attorney for the Department of Family Services

Family Court

@ClarkCountyNV.gov

KATINA SANDERS, Case Manager

Department of Family Services

@ClarkCountyNV.gov

RORI BRANTLEY, Case Manager

Department of Family Services

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 An employee of

 Legal Aid Center of Southern Nevada, Inc.

1. <https://wwwnc.cdc.gov/travel/notices/covid-4/coronavirus-cruise-ship>. [↑](#footnote-ref-1)
2. No-Sail Order and Suspension of Further Embarkation, 85 Fed. Reg. 16628 (March 14, 2020). [↑](#footnote-ref-2)
3. Modification and Extension of No-Sail Order and Other Measures Related to Operations, 85 Fed. Reg. 21004 (April 15, 2020), 85 Fed. Reg. 44085 (July 16, 2020), 85 Fed. Reg. 62732 (Sept. 30, 2020); Framework for Conditional Sailing and Initial Phase COVID-19 Testing Requirements for Protection of Crew, 85 Fed. Reg. 70153 (Oct. 30, 2020); 42 U.S.C. §§ 264, 268; 42 C.F.R. §§ 70.2, 71.31(b). [↑](#footnote-ref-3)
4. <https://www.cdc.gov/vaccines/covid-19/info-by-product/pfizer/index.html>. [↑](#footnote-ref-4)
5. <https://www.pfizer.com/news/press-release/press-release-detail/pfizer-biontech-announce-positive-topline-results-pivotal>. [↑](#footnote-ref-5)