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03/07/2023

*Andrew Levin*  
CLERK OF THE COURT

**FILING CODE: MOT**

Your Name: Chazlynn Malunao  
Address: 5509 Pride Mountain  
N. Las Vegas Nv 89031  
Telephone: 702-266-2544  
Email Address: chazlynn.malunao14@gmail.com  
Self-Represented

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Chazlynn Malunao  
Plaintiff,  
vs.  
Torao Kahanu  
Defendant.

CASE NO.: D-22-657599-C  
DEPT: H

**MOTION FOR TEMPORARY CUSTODY, VISITATION, AND/OR CHILD SUPPORT  
NOTICE OF MOTION**

*The judge can make a decision based only on the written filings, or the judge can talk to both parties and ask questions at a court hearing first. You can choose which you prefer below.*

Would you like to have a hearing with the judge? ( check one)

Yes. Hearing Date: 4/11/2023 Hearing Time: 11:00 Am

The hearing will be online at [www.bluejeans.com](http://www.bluejeans.com). You will receive login information separately.

No. The judge will write a decision after reviewing the request in chambers on: \_\_\_\_\_

TO: (write opposing party's name): Torao Kahanu

**NOTICE:** You may file a written response to this motion with the Clerk of the Court and provide the undersigned with a copy of your response within 14 days of receiving this motion. Failure to file a written response with the Clerk of Court within 14 days of your receipt may result in the requested relief being granted by the Court without a hearing prior to the scheduled hearing date.

Submitted By: /s/ Chazlynn Malunao *Chazlynn Malunao*  
 Plaintiff /  Defendant

FILING CODE: MOT

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N. Las Vegas Nv 89031

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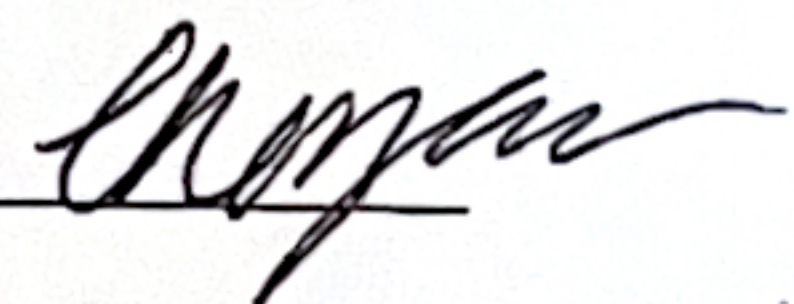
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Submitted By: /s/ Chazlynn Malunao   
 Plaintiff /  Defendant

**MOTION**

(Your name) Chazlynn Malunao moves this Court for an Order granting temporary custody, visitation, and/or child support. ( check one)

- I tried to resolve this issue with the other party before filing this motion.
- I did not try to resolve this issue with the other party before filing this motion. Any attempt to resolve the issue would have been useless or impractical because (*explain why you did not try to resolve this issue directly with the other party before filing this motion*)

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

**Financial Disclosure Form ("FDF") Certification**  
( check one)

- I filed a FDF in the last 6 months and have no material changes to report.
- I understand that I must file my FDF within 3 days of filing this motion to support my request for temporary child support. Failure to file a timely, complete, and accurate FDF may result in the court ruling against me and/or imposing sanctions.

**POINTS AND AUTHORITIES  
LEGAL ARGUMENT**

When determining physical custody of a child, the sole consideration of the court is the best interest of the minor child. In determining the best interest of the child, the court shall consider: a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her custody; b) Any nomination of a guardian for the child by a parent; c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent; d) The level of conflict between the parents; e) The ability of the parents to cooperate to meet the needs of the child; f) The mental and physical health of the parents; g) The physical, developmental and emotional needs of the child; h) The nature of the relationship of the child with each parent; i) The ability of the child to maintain a relationship with any sibling; j) Any history of parental abuse or neglect of the child or a sibling of the child; k) Whether either parent or any other person seeking custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the

child; and l) Whether either parent or any other person seeking custody has committed any act of abduction against the child or any other child. NRS 125C.0035.

**There is a presumption that joint physical custody and joint legal custody would be in the best interest of the child if: 1) the parents have so agreed; or 2) a parent has demonstrated, or attempted to demonstrate but had his or her efforts frustrated by the other parent; an intent to establish a meaningful relationship with the child.** NRS 125C.0025. A court may award one parent primary physical custody if it determines that joint physical custody is not in the best interest of the child. NRS 125C.003.

The court shall also determine child support under NRS 125B.080 and/or in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services pursuant to NRS 425.620.

### FACTS AND ARGUMENT

1. **Number of Minor Children.** The parties have (*number*) 1 minor children in common.
2. **Paternity.** ( *check one*)
  - Paternity is not disputed.
  - Paternity needs to be determined.  A DNA test is requested.
3. **Children's Residency.** The minor children's names, dates of birth, states and lengths of residence are as follows:

Child's Name:	Date of Birth	State of Residence:	How long child has lived in the state:	Disability
Emberlynn Kahany	08/20/2023	NV	Birth-12/27/2023	NO

4. **Jurisdiction.** ( check one)

- The children are residents of Nevada and have lived in Nevada for at least the past 6 months. This Court has the necessary UCCJEA jurisdiction to enter custody orders.
- The children have not lived in Nevada for the past 6 months, however, Nevada should take jurisdiction over custody because: *(explain why Nevada is the proper state to issue custody orders)*: \_\_\_\_\_

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

**A. Request for Temporary Custody and Visitation**

5. **Legal Custody.** *Legal custody refers to the ability to make major decisions about the child, such as medical care, education, and religious upbringing.* ( check one)

- Joint legal custody of the minor children should be awarded to both parties.
- Sole legal custody of the children should be granted to *(name of parent)*

Chazlynn Malunda because *(explain)*:

As the mother she has always cared for the child beyond exceptionally and despite the failed relationship with the father she believes their child should continue a strong healthy relationship. And if mother is given the opportunity in Hawaii she has a supportive and reliable family support including, home, free child care, and support.

6. **Physical Custody.** *Physical custody refers to the amount of time the child spends in the care of each parent.* ( check one)

Joint physical custody exists when each parent has physical custody of the children at least 40% (146 days) of the time calculated over a one year period.

Primary physical custody exists when one parent has physical custody of the children more than 60% (219 days) of the time calculated over a one year period.

- The parties should have joint physical custody of the minor children with a timeshare as proposed in Exhibit 1.

Note: These claims to be supported by witnesses, police reports, doctor appointments, tickets

Best Interest of Child: Timeline of each parents and duties in child's life

□ (January 3, 2021) initial notice of pregnancy, both parents were shocked the father said "we will handle this" the mother was speechless but contacted WHASN to start prenatal care and dropped out of ~~the~~ school

□ (February <sup>1-6</sup> 2021) Mother was diagnosed with extreme morning sickness but continued prenatal care, father became distant all hrs. of the night <sup>out</sup> smoking and drinking with his coworkers \* January - February

□ (February 1-8, 2021) Father kicked out pregnant "gf" a.k.a mother, the mother stayed at a friend's house continuing prenatal care \* Father engaged in infidelities mother found out, created an argument

□ (March 15, 2021) Mother moved to Hawaii to live with sister, Father would check in with a phone call when he found it convenient

□ (March 24, 2021) Mother ~~went to~~ continued prenatal care and went to an ultrasound with sister for a gender reveal with money provided by father \* He often sent money even while pursuing other females

□ (April 1-20, 2021) Father asked to be a family, the mother continued prenatal care and got on a plane back to Vegas April 20, 2021

□ (April 20 - June 2021) both parents working it out mother continuing prenatal care, father being more present \* mother went to every doctor checkup

□ (July 7, 2021) both parents contracted covid-19 from Torad's \* aka father \* dad, mother and child still healthy and doing prenatal care and cold treatment

□ (July 30, 2021) both parents clean from covid \* Argument <sup>Start</sup>

□ (August 20, 2021) child birth perfectly normal mother and father present in the room, mother's lonely/sleepless nights with baby began

□ (August 21, 2021) Mother and father and child went home, Father began infidelities again ~~and~~ mother stayed home caring for child performing all household duties

□ (August 27, 2021) Father began work, mother continued child care 90% of the time day and night

□ (August 27 ~~27~~ - March 2022)

\*Mother - all hours of the day <sup>and night</sup> waking up with child, performing basic<sup>+</sup> child care, always changing diaper

- making doctor appointments

- baby got state medical <sup>\*attending appoint</sup> and filling out for

- all welfare appointments

- keep track of what baby needs (medical

diapers re-up, formula, lotion, foods to stay away from, all tracking for specialist, cradle cap care items, what she need from the store, knowing when she is ill, entertain child)

- washing clothes, cleaning room, wash bedding, cleaning bottles

- going downstairs all hours of the day and night to fill up bottle

- waking up to her at night no matter how tired

- ~~at~~ helping her heal from her jaundice

- grocery shopping to provide fresh produce for baby's nutritional care

- cooking 3<sup>+</sup> meals everyday

\*Father - provide financially

- occasionally wake up to give baby

a bottle

- weekends, change diapers

- entertain child ~~at~~ occasionally

- leaving the house alone with no invitation

for mother and child to join

- allowed mother to sleep in on weekends
- cooked spam and rice occasionally
- went to the store to get items requested by mother
- drove mother and child to doctor appointments
- help mother bathe child the first few months since birth then occasionally helped

□ (March 2022) Mother left father due to ~~the~~ continuous domestic violent disputes \* mother continued all duties as a mother in best interests of child and allowed visitation for father through the week and he agreed to just weekends

\* which became the arrangement no issues for 5 months, father still drove mother and child to doctor and did store runs, financially supporting child mother continued a stay home mother as baby was young and <sup>had</sup> many extra care requirements/duties

□ (September 29 ~~2022~~, 2022) father was supposed to drop child back off with mother but he didn't like mother's boyfriend and refused to drop her off. Cops were called and a report was made law enforcement said nothing could be done even though they had to ~~track him~~ track him down in a car chase with child in the car

□ (September 30, 2022) Mother did research on how to go to court to get child back

□ ~~November 2, 2022~~ <sup>November</sup> 2, 2022) Mother filed and father occasionally allowed <sup>supervised</sup> visitation

□ (December 1-23, 2022) Father became homeless and allowed mother to have child still allowing him visitation

□ (December 24, 2022) Father wanted to try being a family again ~~mother~~ and move to Washington ~~mother~~

thought it was a great opportunity to not be separated from child again and agreed  
□ (December 27, 2022 - February 19, 2023) In Washington state The toxic relationship continued mother was still as the only full time parent with the heavy load of duties father leaving in the mornings alone

- Father working parttime during the day sleeping at night while mother continues all child care

- Mother working graveyard shifts part time while father and child sleep  
□ (February 19, 2023) 12 pm ~~Domestic~~ possible Domestic violent dispute began mother had to leave and father refused to allow ~~the~~ child to leave with mother

□ (February 25, 2023 \* today) Mother began to persue court in Nevada for the 2<sup>nd</sup> time as father withheld child ~~from~~ \* child in Washington with father, mother couldn't stay in Washington as she was only there residing in Torao's family home

### Summary:

Father is a limited parent he is able to care for <sup>child</sup> once she reaches the age that doesn't require as much close care and supervision and daily tasks. The Mother has and will continue great child care and able to provide a stable home with supportive family, and most importantly mother believes in the best interest of child father should be able to build his relationship with daily phone calls and ~~with~~ anything else the Judge sees fit.



**B. Request for Temporary Child Support**

9. **Public Assistance.** ( *check one*)

- I have never received Temporary Assistance for Needy Families (TANF).
- I am now or have received Temporary Assistance for Needy Families (TANF) in the past.

10. **Parties' Income.**

My gross monthly income is (*insert amount*): \$ 0 / OR  unknown.

The other parent's gross monthly income is (*insert amount*): \$ 2000? / OR  unknown.

11. **Child Support.** ( *check one*)

- Child support is being handled through the District Attorney, Family Support Division, case (*insert case number*) R\_\_\_\_\_ and should continue as ordered in that case.
- Based on my proposed physical custody arrangement, (*name of parent who should pay child support*) Toraokahany should pay (*amount*) \$\_\_\_\_\_ per month in child support.
- I'm not sure how much child support should be paid. The judge should set child support.
- Other (*explain how much child support should be ordered and how you came up with the amount of child support*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. **Child Care.** Are there child care expenses? ( *check one*)

- No, there are no child care costs for either parent.
- Yes, the monthly child care costs for the child(ren) are: \$\_\_\_\_\_. This amount should be paid by  me only  the other parent only  both parents equally.

13. **Medical Coverage.** Medical support (medical, vision, and/or dental) must be provided for the child(ren). How should the children get medical support/insurance? ( *check one*)

- Medicaid.
- Private / Employer Insurance. The monthly premium should be paid by  me only  the other parent only  both parents equally.
- Other: \_\_\_\_\_

**C. Other Relief**

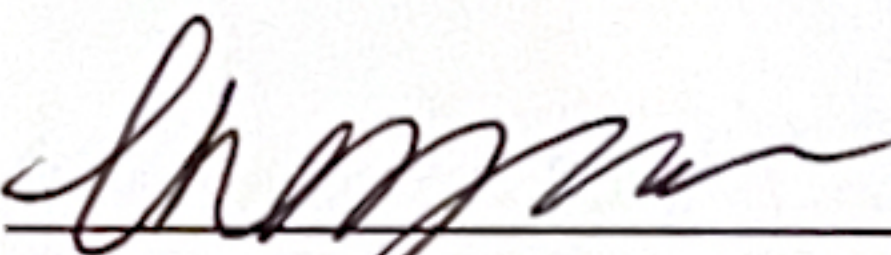
14. In addition to the relief requested above, I would like the Court to also order the following:

*(Explain anything else that you would like the judge to order, or enter "N/A" if you do not want anything else. Be specific.)* Relocation of child with

mother to Hawaii.

I respectfully ask the Court to grant me the relief requested above, including an award of attorney's fees if I am able to retain an attorney for this matter, and any other relief the Court finds appropriate.

DATED March 7, 2023.

Submitted By: *(your signature)* 

*(print your name)* Chazlynn Malunao

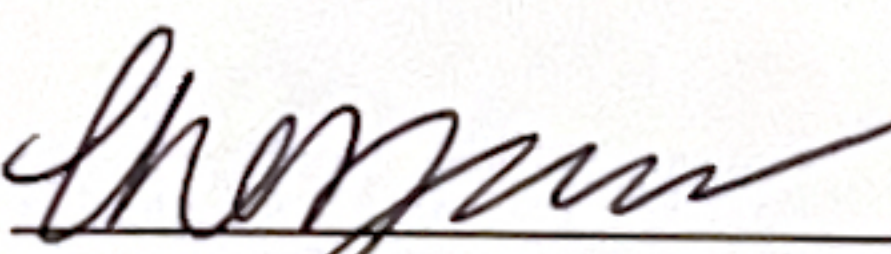
**DECLARATION IN SUPPORT OF MOTION FOR TEMPORARY CUSTODY,  
VISITATION, AND/OR CHILD SUPPORT**

I declare, under penalty of perjury:

1. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
2. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

**I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.**

DATED March 7, 2023.

Submitted By: *(your signature)* 

*(print your name)* Chazlynn Malunao

## EXHIBIT 1: Parenting Timeshare and Holiday Schedule

No Visitation Requested Because: *(explain)* \_\_\_\_\_

<p>Regular Schedule:  <i><b>Be very specific. Include the times and days of the week for each parent's timeshare.</b></i>  <i>(ex.: Mom: Saturday 7pm – Wednesday 3pm,            Dad: Wednesday 3pm – Saturday 7pm)</i></p>	<p><i>Plaintiff requesting sole custody with liberal visitations to Defendant.</i></p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<p>Summer Schedule:</p>	<p><input checked="" type="checkbox"/> Same as the regular schedule.  <input type="checkbox"/> Other: _____</p>
<p>Mother's Day and Mother's Birthday:</p>	<p><input checked="" type="checkbox"/> Mother every year from 9am – 7pm.  <input type="checkbox"/> Other: _____</p>
<p>Father's Day and Father's Birthday:</p>	<p><input checked="" type="checkbox"/> Father every year from 9am – 7pm.  <input type="checkbox"/> Other: _____</p>
<p>Child's Birthday:</p>	<p><input type="checkbox"/> <i>Even years</i> with (parent) _____.  <input type="checkbox"/> <i>Odd years</i> with (parent) _____.  <i>*Time shall be from 9am – 7pm.*</i>  <input checked="" type="checkbox"/> Other: _____</p>
<p>3 Day Weekends:</p>	<p><input type="checkbox"/> <i>Even Years:</i> MLK Jr. Day, Memorial Day, Labor Day with (parent) _____, President's Day, Independence Day, Nevada Admissions Day with the other parent.  <i>Odd Years:</i> MLK Jr. Day, Memorial Day, Labor Day with (parent) _____, President's Day, Independence Day, Nevada Admissions Day with the other parent.  <i>*Time begins when school lets out the day before the holiday weekend (or 3pm if no school), and ends the day following the holiday weekend when school resumes (or 9am).*</i>  <i>**If Independence Day falls on a Tuesday, Wednesday, or Thursday, the time shall be from July 3 at 9am until July 5 at 9am.**</i>  <input checked="" type="checkbox"/> Other: _____</p>

Easter / Spring Break:	<input type="checkbox"/> Even years with ( <i>parent</i> ) _____. Odd years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input checked="" type="checkbox"/> Other: _____
Thanksgiving:	<input type="checkbox"/> Odd years with ( <i>parent</i> ) _____. Even years with the other parent. *Time shall begin the day school lets out until noon the day before school resumes.* <input checked="" type="checkbox"/> Other: _____
Winter Break / Christmas:	<input type="checkbox"/> Segment 1 (Christmas) consists of the day school lets out until December 26 at noon. Segment 2 (New Year's) consists of December 26 at noon until noon the day before school resumes. <i>Even years:</i> segment 1 with ( <i>parent</i> ) _____, segment 2 with the other parent. <i>Odd years:</i> segment 1 with ( <i>parent</i> ) _____, segment 2 with the other parent. <input checked="" type="checkbox"/> Other: _____ _____
Other Holidays:	_____ _____ _____ _____
Vacation:	<input checked="" type="checkbox"/> The parents will not establish a formal vacation plan, and will instead mutually agree on vacation days and times with the child(ren). <input type="checkbox"/> Each parent may have up to ( <i>number</i> ) _____ vacation days per year with the child(ren). The parent shall notify the other parent of the vacation and provide a general vacation itinerary at least ( <i>number</i> ) _____ days before the planned vacation. <b>Vacation time is not allowed during a holiday allotted to the other parent.</b>