

1 **ORDR**

2 **DISTRICT COURT**  
3 **FAMILY DIVISION**  
4 **CLARK COUNTY, NEVADA**

5 In the Matter of the Parental Rights  
6 as to:

7 [REDACTED]

8 Minor children.

CASE NO. D-23 [REDACTED]-R  
DEPT. C

9 **ORDER GRANTING, IN PART, ONJ'S MOTION TO UNSEAL**

10 On March 4, 2024, Our Nevada Judges, Inc. (hereinafter "ONJ"), a  
11 Nevada non-profit corporation, by and through its counsel, Luke Busby,  
12 Esq., filed a limited motion to unseal the record in this termination of  
13 parental rights proceeding.

14 ONJ did not request oral argument, and the matter was placed on  
15 the Court's chambers calendar for decision without a hearing.

16 The Court received no opposition and/or response to the motion  
17 from the parties. However, the Court concluded this case last month on  
18 February 15, 2024, pursuant to an Order relinquishing jurisdiction to

1 another state. As such, there are no future hearing dates pending or  
2 anticipated in this case.

3 ONJ is requesting the Court issue an Order pursuant to SRCR 4(2),  
4 directing the clerk of court to restore access to the docket so that ONJ can  
5 monitor upcoming hearing dates and times. ONJ is “requesting this Court  
6 bring this case into compliance with SRCR 3(5)(c).

7 Nevada’s Rules Governing Sealing and Redacting Court Records,  
8 otherwise referred to as SRCR, were adopted in 2008. The scope and  
9 applicability of these rules is governed by SRCR 1(4). SRCR 1(4) expressly  
10 provides that “These rules do not apply to the sealing or redacting of court  
11 records under specific statutes, such as . . . NRS 128 (Termination of  
12 Parental Rights) . . .”

13 The record in this case was not sealed by Order of this Court. This  
14 case, like all termination of parental rights cases in Nevada, was sealed  
15 pursuant to statute, NRS 128.090(7). This Court is not aware of any  
16 reported Nevada Supreme Court decision challenging the constitutionality  
17 of NRS 128.090(7), and as such, this Court is bound to adhere to the  
18 statute.

1           Though not cited by ONJ in its motion, there is a process under NRS  
2 128.090(7) whereby a Court may open the files and records of a parental  
3 rights termination case pursuant to a filed petition setting forth the  
4 reasons therefor. The Court must balance the reasons cited in the petition  
5 for opening the case to the public with the interests of the parties,  
6 including the welfare and privacy of the minor children affected by the  
7 underlying proceedings. This Court finds that the Nevada legislature has  
8 expressed in parental rights termination cases a heightened policy interest  
9 in protecting the privacy rights of children. See NRS 128.090(5) (stating  
10 hearings in such matters “must be held in closed court without admittance  
11 of any person other than those necessary to the action or proceeding unless  
12 the court determines that holding such a hearing in open court will not be  
13 detrimental to the child”).

14           Even if this Court were to treat ONJ’s motion as a valid request  
15 pursuant to NRS 128.090(7) to unseal the docket in this case, the Court is  
16 not persuaded that ONJ’s reasons for wanting to do so in this instance,  
17 namely to monitor upcoming hearing dates and times, of which there are  
18 none, outweighs the policy interests in protecting the privacy interests and  
19 rights of the minor children and parties at issue. Because the case is closed

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1 and no future hearings anticipated, the Court sees no legitimate reason to  
2 unseal what the Nevada legislature has presumptively determined should  
3 be a confidential record.

4 Therefore, in light of the closed status of this case, having considered  
5 ONJ's stated reasons for wanting to unseal this case, and balancing the  
6 rights and interests of the parties and children involved, the Court declines  
7 to unseal the entire record.

8 To the extent that ONJ's motion requests only the unsealing of a  
9 "docket index" or "docket summary" revealing upcoming hearing dates and  
10 times, the Court sees no harm or prejudice to the parties or minor children  
11 in releasing such information to ONJ. As such, ONJ's motion is  
12 GRANTED, IN PART. Upon request from ONJ, the Clerk of the Eighth  
13 Judicial District Court shall release to ONJ a "docket index" or "docket  
14 summary" disclosing any upcoming court dates and times scheduled in  
15 this case.

16 IT IS SO ORDERED.

Dated this 4th day of April, 2024

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18 \_\_\_\_\_ nlh  
19 **D4C B3D F1D4 D64E**  
**Gregory G. Gordon**  
**District Court Judge**

20 Prepared by the Court