

IN THE SUPREME COURT OF THE STATE OF NEVADA

WASHOE COUNTY HUMAN
SERVICES AGENCY,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
PAIGE DOLLINGER, DISTRICT
JUDGE,

Respondents,
and

HOPE R.; CHRISTOPHER R.; AND Z.
R., A MINOR CHILD,
Real Parties in Interest.

No. 83524

FILED

JAN 28 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *S. Young*
DEPUTY CLERK

ORDER REGARDING MOTIONS

This is a petition for a writ of mandamus or prohibition arising from a dependency and parental termination proceeding and challenging a district court order re-establishing the pre-COVID visitation schedule between real parties in interest, the parents and their minor child. The parties dispute whether the district court has jurisdiction to order visitation pursuant to NRS chapter 432B or NRS chapter 128.

Petitioner has filed a motion to stay the district court's order pending resolution of the petition. Real party in interest Hope R. has filed an opposition and real party Christopher R. has filed a joinder in that opposition. Having considered the motion and opposition, this court concludes that petitioner has not demonstrated a stay is warranted. The district court is in the best position to evaluate the factual considerations, and nothing in petitioner's motion indicates that the visitation schedule is causing harm to the child. See NRAP 8(d) (whether the child will suffer

hardship or harm if the stay is either granted or denied; whether the parents are likely to prevail on the merits of the petition; and whether a determination of other existing equitable considerations, if any, is warranted). The motion for a stay is denied.

Petitioner's motion to file the appendix to the reply in support of the petition under seal is granted. NRS 128.190, NRS 432B.280, SRCR 7. The clerk of this court shall file the appendix, received on January 14, 2022, under seal.

It is so ORDERED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Washoe County District Attorney
Washoe County Alternate Public Defender
Washoe County Public Defender
Washoe Legal Services/Reno