

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF E.N.M., A MINOR.

No. 49803

DARREN R. M.,  
Appellant,  
vs.  
JOAN M. AND SOORYA T.,  
Respondents.

**FILED**

DEC 10 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a juvenile court order awarding custody of the minor child to respondents, the child's maternal and paternal grandmothers. Second Judicial District Court, Washoe County; John M. Iroz, Judge.

When our preliminary review of the documents before this court indicated that there was a potential jurisdiction defect, we directed appellant to show cause why the appeal should not be dismissed for lack of jurisdiction. Specifically, we noted that the order appealed from did not appear substantively appealable.<sup>1</sup> Constitutionally, this court has

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<sup>1</sup>NRAP 3A(b).

“appellate jurisdiction in all civil cases arising in district courts.”<sup>2</sup> Nevertheless, this court generally adheres to the proposition that no right to appeal exists unless provided for by statute or court rule.<sup>3</sup> Under NRAP 3A(b)(2), an appeal may be taken “from any order entered in a proceeding that did not arise in a juvenile court that finally establishes or alters the custody of minor children.”

In his response to our show cause order, appellant acknowledges that the underlying proceedings arose in the juvenile court under NRS Chapter 432B, but he urges this court to consider this appeal because under NRS 62D.500(1), “[a]ppeals from the orders of the juvenile court may be taken to the Supreme Court in the same manner as appeals in civil cases are taken.” Appellant further contends that this statutory provision creates a conflict between the statute and NRAP 3A(b)(2). We disagree.

NRS Chapter 62D concerns the juvenile justice system, and the Legislature has specifically provided for an appeal from an order arising in the juvenile justice system. The Legislature has not provided for an appeal from a matter arising under NRS Chapter 432B, concerning abused and/or neglected children, nor does a rule authorize an appeal.


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<sup>2</sup>Nev. Const. art. 6, § 4.

<sup>3</sup>See Taylor Constr. Co. v. Hilton Hotels, 100 Nev. 207, 678 P.2d 1152 (1984); Kokkos v. Tsalikis, 91 Nev. 24, 530 P.2d 756 (1975).

Nevertheless, a party may challenge a juvenile court's order arising under NRS Chapter 432B by seeking extraordinary relief.<sup>4</sup> Accordingly, as we lack jurisdiction to consider this appeal, we dismiss it.

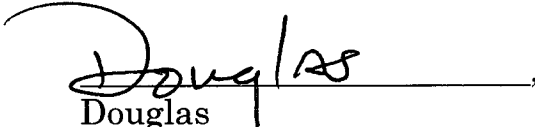
It is so ORDERED.

 \_\_\_\_\_, C. J.

Maupin

 \_\_\_\_\_, J.

Parraguirre

 \_\_\_\_\_, J.

Douglas

cc: Hon. John M. Iroz, District Judge  
Cathy Valenta Weise, Settlement Judge  
Law Offices of Mark Wray  
Bader & Ryan  
Kreitlen & Walker  
Washoe District Court Clerk

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<sup>4</sup>Clark County Dist. Att'y v. Dist. Ct., 123 Nev. \_\_\_, \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ (Adv. Op. No. 36, September 20, 2007).