

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL EUGENE BOUYDSTON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61705

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *Angela*
DEPUTY CLERK

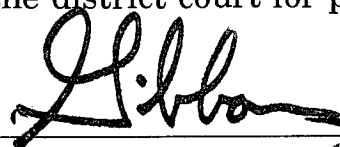
ORDER OF REVERSAL AND REMAND

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of child abuse. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

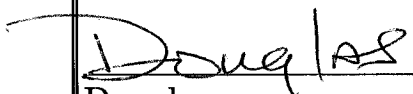
Appellant argues that the district court abused its discretion by ordering him to pay \$35,140.26 as restitution to Washoe County Social Services for the care of his children. We agree. The family court has original, exclusive, and continuing jurisdiction over matters affecting the familial unit, including child support and costs of care. NRS 3.223(1); *Landreth v. Malik*, 127 Nev. ___, ___ 251 P.3d 163, 169 (2011); *Fernandez v. Fernandez*, 126 Nev. ___, ___, 222 P.3d 1031, 1035 (2010). Although the district court has the authority to facilitate the collection of an obligation for support imposed by the family court, NRS 3.223(1)(a); NRS 125B.004, the record here does not demonstrate that the family court imposed an obligation upon appellant in the amount of \$35,140.26. Instead, the family court order directs appellant to pay \$100.00 per month per child

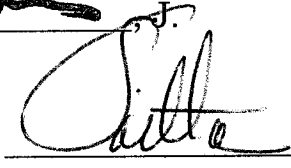
towards the cost of care of his children.¹ Because the family court has exclusive jurisdiction to impose an obligation regarding the cost of care of appellant's children, we conclude that the district court erred by ordering restitution in the amount of \$35,140.26, *see Landreth*, 127 Nev. at ___, 251 P.3d at 170 (family courts have the same constitutional power and authority as district courts); *see Rohlfig v. Second Judicial Dist. Court In & For Cnty. of Washoe*, 106 Nev. 902, 906, 803 P.2d 659, 662 (1990) (district courts lack jurisdiction to review or modify actions of other district courts), and we

ORDER the judgment of conviction REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.



Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Although the order appears to have been in effect only while the children were physically in Social Services' care and does not order repayment of all expenses incurred by Social Services, because the court issued an order of support there is no limitation on the time in which an action may be commenced to seek reimbursement of money paid as public assistance for the children, NRS 125B.050(3), and the district attorney can move to establish, adjust, or enforce an obligation in the family court, NRS 125B.150(1).