

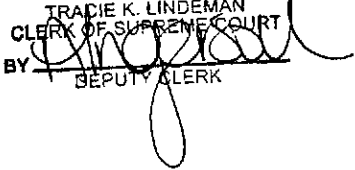
IN THE SUPREME COURT OF THE STATE OF NEVADA

K. A.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
FRANK P. SULLIVAN, DISTRICT
JUDGE,
Respondents,
and
STATE OF NEVADA DEPARTMENT
OF FAMILY SERVICES,
Real Party in Interest.

No. 64758

FILED

FEB 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION*

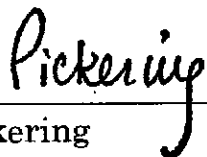
This is an original petition for a writ of mandamus or prohibition challenging a district court order placing petitioner in a residential treatment program. Eighth Judicial District Court, Family Court Division, Clark County; Frank P. Sullivan, Judge.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is within this court's sole discretion to determine if a writ petition will be considered. *Smith*, 107 Nev. at 677, 818 P.2d at 851. Petitioner bears the burden of


demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and the appendix attached to the petition, we conclude that our intervention by extraordinary writ relief is not warranted. See NRS 34.160; NRS 34.320; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Petitioner contends that because one of the two doctors who evaluated her recommended an outpatient treatment program, the court was prohibited from placing her in a treatment facility. NRS 432B.6077(3) requires placement of a child in a treatment environment that is less restrictive than a facility only if the district court has determined that the child could be treated effectively in the less restrictive environment. Here, the district court concluded that petitioner could not be effectively treated in a less restrictive environment because she had failed to participate in outpatient services in the past and because she is likely to harm herself. The district court determined that placement in a residential treatment program was in petitioner's best interest. Petitioner has failed to establish that the district court manifestly abused its discretion. See NRS 34.160; *Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

¹In light of this order, we deny petitioner's motion for a stay as moot.

cc: Hon. Frank P. Sullivan, District Judge, Family Court Division
Marquis Aurbach Coffing
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk