

IN THE SUPREME COURT OF THE STATE OF NEVADA

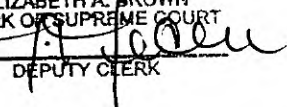
IN THE MATTER OF: R. A. B. AND A.
R. O., MINORS.

No. 87497

GIDGET STEVENS-PARKER,
Appellant,
vs.
STATE OF NEVADA DEPARTMENT
OF FAMILY SERVICES; R. A. B.; AND
A. R. O.,
Respondents.

FILED

MAY 22 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a motion for placement of minor children entered in a juvenile proceeding. Eighth Judicial District Court, Clark County; Rhonda Kay Forsberg, Judge.

When initial review of the docketing statement and documents before this court revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, orders concerning child custody that arise from juvenile proceedings are not substantively appealable under NRAP 3A. *In re A.B.*, 128 Nev. 764, 769, 291 P.3d 122, 126 (2012), *citing Matter of Guardianship of N.S.*, 122 Nev. 305, 311, 130 P.3d 657, 661 (2006).

In response, appellant makes a difficult to follow argument conceding that “the correct code is NRAP 3E” rather than NRAP 3A, asking that the appealability code be amended to NRAP 3E, and asserting the appeal should not be dismissed due to the prejudice and irreparable harm that would be caused by dismissal. Respondents have filed replies.

This court “may only consider appeals authorized by statute or court rule.” *Brown v. MHC Stagecoach, LLC*, 129 Nev. 343, 345, 301 P.3d


850, 851 (2013). As stated in this court's order to show cause, orders concerning child custody that arise from juvenile proceedings are not substantively appealable under NRAP 3A. The challenged order arises from juvenile proceedings and concerns child custody. Therefore, it is not appealable under NRAP 3A.

NRAP 3E governs the processing and briefing of appeals of child custody and visitation orders. See NRAP 3E(a). NRAP 3E does not authorize appeals from child custody orders or otherwise relate to jurisdiction.¹ And this court is unable to assert jurisdiction based on any harm or prejudice to appellant. Accordingly, appellant fails to demonstrate that this court has jurisdiction over the challenged order, see *Moran v. Bonneville Square Assocs.*, 117 Nev. 525, 527, 25 P.3d 898, 899 (2001) (“[T]he burden rests squarely upon the shoulders of a party seeking to invoke our jurisdiction to establish, to our satisfaction, that this court does in fact have jurisdiction.”), and we

ORDER this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Bell

¹Appellant implies that the settlement judge determined there was no jurisdictional issue with the appeal when he reinstated briefing pursuant to NRAP 3E. It is not the function of the settlement judge to finally determine this court's jurisdiction over an appeal. See NRAP 16 (governing settlement). Moreover, the order reinstating briefing was entered by this court, not the settlement judge, and did not contain any discussion or analysis of jurisdiction.

cc: Hon. Rhonda Kay Forsberg, District Judge
Israel Kunin, Settlement Judge
Gallagher Attorney Group, LLC
The Law Office of Vincent Davis & Associates
Attorney General/Carson City
Legal Aid Center of Southern Nevada, Inc.
McFarling Law Group
Clark County District Attorney's Office
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk