

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMANTHA DAWSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DAVID S. GIBSON, JR., DISTRICT
JUDGE,

Respondents,

and

DEPARTMENT OF FAMILY
SERVICES; AND M.D.,
Real Parties in Interest.

No. 92113-COA

FILED

APR 29 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER DENYING PETITION
FOR A WRIT OF MANDAMUS*

Samantha Dawson filed a petition for a writ of mandamus challenging a district court order from a dependency matter alleging abuse or neglect under NRS Chapter 432B. Dawson argues that the court abused its discretion by finding that the allegations of neglect were substantiated and that the child should be placed in the custody of respondent Clark County Department of Family Services (Family Services). Dawson asserts that the court's findings were inconsistent, as it determined that the evidence was insufficient to substantiate that Dawson was responsible for the child's threat to harm herself.

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 Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). The petitioner bears the burden to show that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

“[T]he placement decision lies in the district court’s discretion” and “the child’s best interest necessarily is the main consideration for the district court when exercising its discretion concerning placement.” *Clark Cnty. Dist. Atty. v. Eighth Jud. Dist. Ct.*, 123 Nev. 337, 346, 167 P.3d 922, 928 (2007). “Where a district court is entrusted with discretion on an issue, the petitioner’s burden to demonstrate a clear legal right to a particular course of action by that court is substantial; we can issue traditional mandamus only where the lower court has manifestly abused that discretion or acted arbitrarily or capriciously.” *Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 680, 476 P.3d 1194, 1196 (2020) (emphasis omitted).

Having considered the petition and the documents before this court, we conclude that Dawson fails to demonstrate that our intervention by extraordinary writ relief is warranted. The child attempted to commit suicide and Family Services became involved in this matter while the child was hospitalized for treatment. The Clark County District Attorney’s Office thereafter filed a petition alleging that the child was in need of protection


due to neglect and because the child faced a threat of harm while in Dawson's care.

The district court subsequently conducted an evidentiary hearing concerning the petition. Testimony presented at the evidentiary hearing established that Dawson was the person responsible for the child's welfare. *See* NRS 432B.130. The court also heard testimony concerning the child's suicide attempt and Dawson's actions surrounding that incident, including Dawson's failure to take immediate action after finding the child's suicide note and allowing the child access to a firearm despite the child's mental health difficulties and prior suicide attempts. The court found that the evidence established that it was foreseeable that the child could try to commit suicide on the relevant night and that Dawson exhibited "almost a depraved indifference for this child's wellbeing and safety," such that the child suffered neglect while in Dawson's care. While the court found there was insufficient evidence to establish the threat-of-harm allegation, it determined that the neglect allegation contained within the petition was substantiated and that the child should be placed in the custody of Family Services. *See In re Parental Rts. as to A.G.*, 129 Nev. 125, 131-32, 295 P.3d 589, 593 (2013) ("A child is in need of protection if, among other things, '[t]he child has been subjected to abuse or neglect by a person responsible for the welfare of the child.'" (quoting NRS 432B.330(1)(b))).

While Dawson contends the district court improperly evaluated the evidence, this court is not at liberty to reweigh the evidence or the court's credibility determinations. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 365-66, 212 P.3d 1068, 1080 (2009). Therefore, we conclude

that Dawson has not met her burden of showing that the court manifestly abused its discretion or acted arbitrarily or capriciously in reaching its decisions. *See Walker*, 136 Nev. at 680, 476 P.3d at 1196. Accordingly, we
ORDER the petition DENIED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. David S. Gibson, Jr., District Judge
The Grigsby Law Group
Kirsty E. Pickering Attorney at Law
Attorney General/Carson City
Legal Aid Center of Southern Nevada, Inc.
Clark County District Attorney/Juvenile Division
Eighth District Court Clerk