



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

L.G., A MINOR AND LYNDIA
GALLEGOS, PERSON WITH SPECIAL
INTEREST,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
SOONHEE BAILEY, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 92615-COA

*ORDER DENYING PETITION
FOR A WRIT OF MANDAMUS*

L.G. and Lyndia Gallegos filed a petition for a writ of mandamus challenging a district court's placement order in a dependency matter alleging abuse or neglect under NRS Chapter 432B.

L.G. and his siblings were removed from the care of their parents due to issues involving abuse and neglect and the district court awarded Clark County Department of Family Services (Family Services) legal custody of the children. The district court also placed L.G. and his siblings with Gallegos, who is the children's paternal aunt. However, in May 2025, Family Services removed the children from Gallegos' care following allegations that she physically abused the children.

Gallegos thereafter filed a motion in the district court seeking an order directing the children to again be placed in her care, as she contended that the abuse allegations were false. Real party in interest, the State of

Nevada, opposed the motion, contending that Gallegos abused the children by striking them and that photographic evidence depicting bruising and other marks demonstrated that the abuse allegations were valid.

The district court thereafter conducted an evidentiary hearing concerning the placement issues. As relevant to this proceeding, L.G. participated in the hearing through counsel. In addition, the court noted that Gallegos had previously been determined to be a person with special interest in the children pursuant to NRS 432B.457(1), but that designation did not permit Gallegos to cross-examine witnesses or present evidence. However, the court noted that NRS 432B.457(1) permitted Gallegos to offer recommendations concerning placement of the children and to testify at the hearing. Following a request by the State, the district court noted that Gallegos would be later called to testify as a witness and directed her to remain outside of the courtroom during other witnesses' testimonies.

The three older children testified at the evidentiary hearing, but L.G. did not as he was too young at that time. Those children testified that Gallegos struck them and sometimes did so with objects, including a plastic clothes hanger. They testified that, on one occasion, Gallegos used a lit lighter as a disciplinary tool and threatened to cause them further harm. The children also provided detail concerning an incident that occurred shortly before they were removed from Gallegos' care, where Gallegos struck one of the children with a hanger and the child sustained painful bruising and scratches. In addition, the district court admitted photographs depicting the child with bruising and other marks following the incident.

The district court also declined to admit a video recording containing short clips depicting the child after the incident, as the court found the use of short clips violated the rule of completeness. Moreover, as relevant

to this proceeding, L.G. attempted to cross-examine a sibling as to whether she had been abused by other adults, but the district court did not permit such questioning as the court determined it was not relevant to this matter.

A caseworker and a family service specialist also testified concerning their observations and investigation into the abuse allegations and both explained their concerns for the safety of the children if they were again placed in Gallegos' care. The family service specialist also stated that the abuse allegations were determined to be substantiated as a result of the investigation. In addition, the caseworker noted that two of the children also accused Gallegos' son of sexually abusing them, and she discussed concerns regarding those accusations. Gallegos testified and she denied abusing the children and explained that her son no longer resides with her.

The district court thereafter entered a written order in which it explained that it found the children's testimonies credible. The court also found that the caseworker and the family service specialist provided credible testimony and noted that the abuse allegations were substantiated. In addition, the court noted that it was not disputed that Gallegos' son sexually abused one of the children. The court therefore found that Gallegos was the perpetrator of abuse and also lacked the capacity to protect the children from further abuse. Accordingly, the court determined that it was not in the children's best interest to place them with Gallegos. The court also reviewed Gallegos' status as a person with a special interest in the children under NRS 432B.457 and, considering the evidence and testimony presented at the evidentiary hearing, decided that special interest status was no longer appropriate. Finally, the district court found it was in the children's best interest for Gallegos to have no contact with them.

Petitioners challenge the district court's order in several aspects and seek an order directing the district court to vacate its decisions concerning L.G.'s placement and its no-contact order. Petitioners also request an order directing the district court to conduct additional proceedings concerning L.G.'s placement. However, based on our review of the petition, the State's answer to the petition, and the record before this court, we determine that petitioners fail to demonstrate that our intervention is warranted.

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). "A petition for a writ of mandamus is the appropriate means to challenge a placement order entered in a proceeding under NRS Chapter 432B because the order is not appealable." *Philip R. v. Eighth Jud. Dist. Ct.*, 134 Nev. 223, 226, 416 P.3d 242, 246 (2018).

"[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); *see also Skender v. Brunsonbuilt Constr. & Dev. Co.*, 122 Nev. 1430, 1435, 148 P.3d 710, 714 (2006) (“An abuse of discretion occurs if the district court’s decision is arbitrary or capricious or if it exceeds the bounds of law or reason.” (internal quotation marks omitted)).

First, petitioners argue the district court abused its discretion by issuing a placement decision without making an individualized best interest analysis supported by specific factual findings, particularly as to whether any alteration of the court’s prior placement decision was appropriate given the issues in this matter. Petitioners also assert that a change in placement was not warranted and not supported by substantial evidence.

Preliminarily, citing *Romano v. Romano*, petitioners contend that the district court should have made findings as to whether there had been a substantial change in circumstances affecting the welfare of the children and assert that the court made insufficient findings as to whether modification of the children’s placement was in their best interest. 138 Nev. 1, 5, 501 P.3d 980, 983 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023).

However, the *Romano* test referred to by petitioners discusses modification of a child custody arrangement under NRS Chapter 125C, and here the district court did not modify the custody of the children, as Family Services had custody of all of the children and the challenged placement order did not alter that arrangement. Rather, here the district court reviewed the placement of the children under NRS 432B.550(1), and petitioners do not present cogent argument that the district court was required to utilize the *Romano* test and the factors discussed under that test when making such

placement decisions. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument and relevant authority).

Further, as discussed previously, the district court specifically found that Gallegos abused the children and that placement of the children with her was not in their best interest. *See* NRS 432B.140 (“Negligent treatment or maltreatment of a child occurs if a child has been subjected to harmful behavior that is terrorizing, degrading, painful or emotionally traumatic, has been abandoned, is without proper care, control or supervision or lacks the subsistence, education, shelter, medical care or other care necessary for the well-being of the child because of the faults or habits of the person responsible for the welfare of the child or the neglect or refusal of the person to provide them when able to do so.”); NRS 432B.150 (“Excessive corporal punishment may result in physical or mental injury constituting abuse or neglect of a child under the provisions of this chapter.”). Petitioners do not demonstrate that the court’s findings in this regard were insufficient or not supported by substantial evidence. *See Seibel v. Eighth Jud. Dist. Ct.*, 138 Nev. 753, 755, 520 P.3d 350, 354 (2022) (stating “factual findings are given deference and will not be set aside unless they are clearly erroneous or not supported by substantial evidence” (internal quotation marks omitted)). Moreover, while petitioners contend the district court improperly evaluated the evidence and should have focused on evidence that was favorable to Gallegos’ position, this court is not at liberty to reweigh the evidence or the district court’s credibility determinations. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 365-66, 212 P.3d 1068, 1080 (2009). Accordingly,

petitioners do not demonstrate that they are entitled to relief based upon these arguments.

Second, petitioners raise several arguments concerning the district court's decisions regarding the questioning of witnesses and presentation of evidence. Initially, petitioners contend that the court violated their right to due process when it did not permit Gallegos to cross-examine the witnesses at the evidentiary hearing or to call additional witnesses to testify and excluded her from a portion of the hearing pursuant to NRS 50.155.¹ Petitioners also contend the district court abused its discretion by limiting L.G.'s cross-examination of his siblings, as it did not permit him to inquire into allegations of abuse by other adults.²

¹We note that petitioners' argument focuses on the restrictions placed upon Gallegos' participation in the hearing and they do not assert that L.G. was similarly unable to question witnesses or call witnesses at the hearing. We further note that the record before this court demonstrates that L.G., through his counsel, cross-examined witnesses and called witnesses to testify on his behalf.

²Petitioners also appear to argue that the district court should not have admitted the photographs depicting the child's bruises and scratches, as they contend the photographs were not properly authenticated. However, while none of the participants of the evidentiary hearing raised an authentication challenge to admission of the photographs before the district court, we note that the child identified herself in the photographs and explained her injuries were depicted therein. See NRS 52.015 (stating authentication "is satisfied by evidence or other showing sufficient to support a finding that the matter in question is what its proponent claims"). Accordingly, petitioners fail to demonstrate that any challenge to the authentication of the photographs would have reasonably resulted in a different outcome. See *Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (explaining that to establish an error is not harmless "the movant must show that the error affects the party's substantial rights so that, but for the alleged error, a different result might reasonably have been reached"). Therefore, petitioners are not entitled to relief based on this argument.

As previously explained, the district court recognized that Gallegos had status as a person with a special interest in the children under NRS 432B.457 and explained that status did not allow her to cross-examine witnesses or call her own witnesses. Following a request by the State, the district court excluded Gallegos from a portion of the evidentiary hearing pursuant to NRS 50.155 so that she was unable to hear the testimony of other witnesses, but it later permitted her to testify and to offer her recommendation that the children be placed with her.

As the district court allowed Gallegos to be involved in the placement planning hearing, testify at the evidentiary hearing, and offer her recommendations regarding the placement plan, the court provided Gallegos with the level of involvement required under NRS 432B.457(1). And, while petitioners challenge the aforementioned restrictions, they do not present relevant authority to establish that the district court violated their right to due process by limiting Gallegos' participation in the hearing in accord with her status as a person with a special interest in the children pursuant NRS 432B.457(1). *Cf. Miller v. California*, 355 F.3d 1172, 1176 (9th Cir. 2004) (explaining that, under California law providing that a juvenile's grandparents were "de facto parents" for purposes of the juvenile court proceedings, that status "simply gave the [grandparents] the right to appear in the proceeding, which was not denied. It conferred no other, or weightier interest of constitutional dimension"). As a result, we need not consider this issue.³ See *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

³Moreover, even assuming, without deciding, that the district court erred by limiting Gallegos' participation in the hearing to that afforded by NRS 432B.457(1), any error was harmless in light of the significant and extensive
continued on next page . . .

Turning to petitioners' contention that the district court improperly limited L.G.'s cross-examination of his siblings, we determine that they fail to demonstrate the court's decision amounted to an abuse of discretion. *See Capanna v. Orth*, 134 Nev. 888, 892, 432 P.3d 726, 732 (2018) (providing that the "district court has discretion to limit the scope of cross-examination"). Here, the district court determined that questions concerning whether the children were subject to abusive behavior from other adults were not relevant to the proceeding and declined to permit cross-examination concerning such allegations. In light of the record before this court, we conclude that petitioners do not demonstrate the district court abused its discretion in determining that such questioning was not relevant. *See Archanian v. State*, 122 Nev. 1019, 1029, 145 P.3d 1008, 1016 (2006) ("District courts are vested with considerable discretion in determining the relevance and admissibility of evidence."). Accordingly, petitioners are not entitled to relief based on these arguments.⁴

findings of the court concerning the harmful treatment the children faced while they were placed with Gallegos. *See Wyeth*, 126 Nev. at 465, 244 P.3d at 778; *see also Mesi v. Mesi*, 136 Nev. 748, 753, 478 P.3d 366, 371 (2020) (reviewing a violation of a party's right to due process for harmless error); *cf.* NRCP 61 (stating that courts "must disregard all errors and defects that do not affect any party's substantial rights").

⁴Petitioners also appear to contend the district court abused its discretion by declining to admit a video recording depicting short clips of one child. However, while petitioners contend that the challenged recording contained evidence that was favorable to Gallegos and should have been reviewed by the court, petitioners fail to demonstrate the district court abused its discretion by finding that it was not complete and thus violated the rule of completeness. *See* NRS 47.120(1) (stating that when a party introduces a writing or recorded statement, that party may be required to introduce any other relevant part of that same writing or recorded statement); *see also M.C.*

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Third, petitioners contend the district court abused its discretion by removing Gallegos' status as a person with a special interest in the children without making sufficient findings concerning that issue. Pursuant to NRS 432B.457(1), the district court may find that a "person has a special interest in a child." However, "[a] finding that a person has a special interest in a child . . . may be reviewed or modified at any time by the court or special judicial officer." NRS 432B.457(2).

Here, the district court noted the aforementioned findings concerning Gallegos and the abuse allegations. In light of those findings, the court explained that going forward it would no longer consider Gallegos to be a person with a special interest in the children under NRS 432B.457. The district court's findings are supported by the record. *See Seibel*, 138 Nev. at 755, 520 P.3d at 354. Petitioners do not demonstrate that the court's decision to exercise the authority provided by NRS 432B.457(2) was arbitrary or capricious or exceeded the bounds of law or reason. *See Skender*, 122 Nev. at 1435, 148 P.3d at 714. Accordingly, petitioners are not entitled to relief based on this argument.

Fourth, petitioners argue the district court exceeded its authority by ordering Gallegos to have no contact with the children and argue their due process rights were violated by the no-contact order. Petitioners also argue the no-contact order was not narrowly tailored to serve a compelling governmental interest and that they lacked notice concerning such an order. When a child is in need of protection, the district court may issue a placement order containing

Multi-Fam. Dev., L.L.C. v. Crestdale Assocs., Ltd., 124 Nev. 901, 913, 193 P.3d 536, 544 (2008) ("We review a district court's decision to admit or exclude evidence for abuse of discretion, and we will not interfere with the district court's exercise of its discretion absent a showing of palpable abuse.").

“such conditions as the court may prescribe.” NRS 432B.550(1)(b). Moreover, a court may also restrict visitation with a child in need of protection “if the court determines that the visitation is not in the best interest of the child.” NRS 432B.560(1)(b)(2).

As stated previously, Gallegos filed a motion requesting the district court to place the children in her care and the State opposed, arguing that she abused the children and that they were not safe with her. The children, including L.G., had the opportunity to present evidence and question witnesses. Gallegos also had the opportunity to testify and to offer her opinion concerning the placement issues.

Accordingly, petitioners had notice and an opportunity to be heard at the evidentiary hearing, and petitioners do not demonstrate they lacked notice of potential outcomes of that hearing. *See Martinez v. Martinez*, 140 Nev., Adv. Op. 73, 559 P.3d 863, 868 (2024) (reviewing a due process challenge in a child custody matter and determining that the appellant’s due process right was not violated because appellant “put the specific issue of [parenting time] before the district court” and that “[a]warding increased [parenting time] after a hearing regarding custody and [parenting time] [wa]s squarely within the scope of potential outcomes”). Thus, assuming, without deciding, that petitioners’ rights to due process were impacted by the no-contact order, they do not demonstrate that those rights were violated. *See Mesi*, 136 Nev. at 750, 478 P.3d at 369 (“Due process is satisfied where interested parties are given an opportunity to be heard at a meaningful time and in a meaningful manner.” (internal quotation marks omitted)).

In addition, the district court made findings that Gallegos abused the children and threatened them if they reported such abuse. In light of those findings, the court also determined that it was in the best interest of the

children to have no contact with Gallegos. Petitioners do not demonstrate the district court abused its discretion in this regard. *See Clark Cnty. Dist. Atty.*, 123 Nev. at 346, 167 P.3d at 928. Moreover, “the state has a compelling interest in assuring that abused and neglected children achieve safe, stable and permanent home environments within which to be reared.” *In re Parental Rts. as to D.R.H.*, 120 Nev. 422, 427, 92 P.3d 1230, 1233 (2004); *see also Clark Cnty. v. Eighth Jud. Dist. Ct.*, 141 Nev., Adv. Op. 31, 570 P.3d 135, 148 (2025) (“The state has an interest in the welfare of children. . .”). Here, the no-contact order was issued to protect the children from Gallegos’ improper behavior, which included her threatening statements. In light of the district court’s findings concerning Gallegos’ behavior and the safety concerns her behavior posed to the children, petitioners do not demonstrate the district court failed to narrowly tailor the no-contact order to address a compelling interest in the safety and welfare of the children involved with this matter. *See Heller v. Give Nev. A Raise, Inc.*, 120 Nev. 481, 490, 96 P.3d 732, 737 (2004) (“Regulation of constitutionally protected speech is considered narrowly tailored only if it burdens no more speech than is necessary to achieve a compelling interest.”). Accordingly, petitioners are not entitled to relief based on this argument.

Finally, petitioners argue that this court should order reassignment of this matter to a different district court judge in the interest of fairness. We conclude that relief is unwarranted on this point because this court is not ordering further proceedings and because petitioners have not demonstrated that the court’s decisions in the underlying case were based on knowledge acquired outside of the proceedings and its decisions did not otherwise reflect “a deep-seated favoritism or antagonism that would make fair judgment impossible.” *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107,

506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally “do not establish legally cognizable grounds for disqualification”); *see also Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano*, 138 Nev. at 6, 501 P.3d at 984. Moreover, petitioners fail to demonstrate this is one of the exceedingly rare cases where reassignment is necessary to preserve public confidence and trust in the fairness of a judicial proceeding. *See Williams v. Second Jud. Dist. Ct.*, 142 Nev., Adv. Op. 5, 583 P.3d 223, 230 (2026). Therefore, we conclude that petitioners are not entitled to relief based on this argument.

In consideration of the foregoing, we conclude that petitioners have not met their burden of showing that the district 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; *see also Destin*, 141 Nev., Adv. Op. 42, 574 P.3d at 942 (denying a petition for extraordinary relief challenging a placement order “[b]ecause the record does not support that the district court misapprehended the law or manifestly abused its discretion in making its placement determination”). Therefore, petitioners fail to meet their burden to show that extraordinary relief is warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844. Accordingly, we

ORDER the petition DENIED.⁵



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Soonhee Bailey, District Judge
Ballard Spahr LLP/Las Vegas
Clark County District Attorney/Juvenile Division
Hofland & Tomsheck
Eighth District Court Clerk

⁵Insofar as petitioners raise arguments that are not specifically addressed in this order, we conclude that they either do not present a basis for relief or need not be addressed.