FILED
10/15/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KRISTIN S., Petitioner, vs. THE FOURTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO; AND THE HONORABLE KRISTON N. HILL, DISTRICT JUDGE, Respondents, and JOHN MCGREW; MARIA MCGREW; DONALD FERGUSON; AND VICKI FERGUSON, Real Parties in Interest.	No. 92750-COA

ORDER DENYING PETITION

Kristin S. brings this original petition for a writ of mandamus or prohibition seeking an order directing the district court to vacate a hearing concerning whether Nevada maintains jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) with respect to the outstanding issues regarding the grandparent visitation of the real parties in interest John McGrew, Maria McGrew, Donald Ferguson, and Vicki Ferguson. Kristin also seeks an order directing the district court to enter an order permitting the Arizona state courts to accept jurisdiction of the child custody and related matters.

In her petition, Kristin notes that there have previously been guardianship proceedings in the district court involving two of her children, and that the McGrews were the guardians of one child while the Fergusons were the guardians of the other. In addition, Kristin notes the district court

has terminated those guardianships and the children have been returned to her care. Kristin contends that she has since relocated with the children to Arizona, asserts that she has initiated family law proceedings in Arizona state court, and argues that the Arizona courts should exercise jurisdiction over any related issues. Kristin further argues that the children have relocated to Arizona and, because guardianship matters in Nevada have been terminated and their related cases closed, the Nevada district court should not conduct any further proceedings concerning grandparent visitation and should be directed to vacate its hearing.

"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." *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *see also* NRS 34.160. In addition, this court may issue a writ of prohibition to arrest the proceedings of a district court acting without or in excess of its jurisdiction. NRS 34.320; *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A writ of mandamus or prohibition will not issue, however, if the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. It is within this court's discretion to determine if a writ petition will be considered. *Smith*, 107 Nev. at 677, 818 P.2d at 851. The petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Based on our review of Kristin's petition, the answer to the petition, and the documents before us, we conclude Kristin has not demonstrated that our extraordinary intervention is warranted. The record

before this court demonstrates that the district court entered an order in November 2024 that provided the McGrews and the Fergusons with grandparent visitation. *See* NRS 125C.050(1) (stating a district court may award the "grandparents of the child . . . a reasonable right to visit the child during the child's minority"). The McGrews and the Fergusons subsequently filed a motion alleging that Kristin violated the district court's order regarding grandparent visitation and they later filed a motion to modify the visitation order. Kristin opposed and moved the district court to dismiss this matter on jurisdictional grounds, explaining she moved with the children to Arizona and initiated family law proceedings in an Arizona state court. Kristin also filed a motion requesting a UCCJEA conference between the district court and the Arizona state court.

As acknowledged by Kristin, the Arizona court conferred with the district court and both courts agreed for the district court in Nevada to conduct a hearing pursuant to NRS 125A.265 to determine if Nevada is an inconvenient forum. The district court thereafter scheduled the challenged hearing, but that hearing has not yet occurred, and the district court has not yet determined whether Nevada is an inconvenient forum.

We note that, because the district court awarded the McGrews and the Fergusons with grandparent visitation, the district court retains jurisdiction over the related visitation issues until an appropriate order is entered transferring jurisdiction to another state. *See* NRS 125A.055(1) ("'Child custody proceeding' means a proceeding in which legal custody, physical custody or visitation with respect to a child is an issue."); NRS 125A.315 ("[A] court of this state which has made a child custody determination . . . has exclusive, continuing jurisdiction over the

determination until" additional findings are made concerning, among other things, whether the child or the child's parents no longer reside in this state). And the record before this court demonstrates there remains unresolved factual issues concerning whether Nevada is an inconvenient forum and whether Nevada should relinquish jurisdiction to Arizona. *See* NRS 125A.355 (discussing the procedures when simultaneous proceedings involving child custody matters have been initiated in Nevada and another state); NRS 125A.365 (explaining the procedures for when a court may find that Nevada is an inconvenient forum and that the court of another state is a more convenient forum for child custody matters).

This court is not well suited to make factual determinations and resolve the aforementioned factual issues. *See Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (recognizing that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact"); *Ryan's Express Transp. Servs., Inc. v. Amador Stage Lines, Inc.*, 128 Nev. 289, 299, 279 P.3d 166, 172 (2012) ("An appellate court is not particularly well-suited to make factual determinations in the first instance."). Moreover, Kristin may pursue an appeal from entry of a final order resolving the outstanding issues under the UCCJEA and concerning grandparent visitation. *See* NRAP 3A(b)(7) (stating that an appeal may be taken from "[a] final order that did not arise in a juvenile court and that pertains to child custody, guardianship of minors, parenting time, visitation, or relocation of a minor").

Because there are unresolved factual issues and Kristin has an available legal remedy in the form of an appeal from entry of a final order resolving the outstanding issues, she fails to demonstrate that extraordinary

relief is warranted. *See Pan*, 120 Nev. at 224, 88 P.3d at 841 (explaining that writ relief is available when there is no plain, speedy, and adequate legal remedy, and that an appeal is an adequate legal remedy). Accordingly, we

ORDER the petition DENIED.[1]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Kriston N. Hill, District Judge
Amens Law, LLC
Gerber Law Offices, LLP
Elko County Clerk

[1]To the extent Kristin contends that this matter should be reassigned to a different district court judge, she fails 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).