

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRISTOPHER M. LAUCHNER,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
WILLIAM O. VOY, DISTRICT JUDGE,
FAMILY COURT DIVISION,

Respondents,

And

LDS FAMILY SERVICES, AND RICK
PERRY, AGENCY DIRECTOR,
Real Parties in Interest.

No. 39070

FILED

JAN 17 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF
MANDAMUS OR PROHIBITION

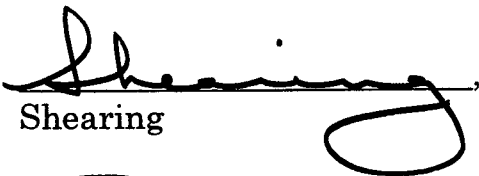
This original proper person petition for a writ of mandamus or prohibition challenges a district court order terminating petitioner's parental rights on the grounds that petitioner did not receive adequate notice of the proceedings and was not permitted to meaningfully participate in them. Petitioner also seeks to stay ongoing adoption proceedings concerning the minor child as to whom petitioner's rights were terminated. While the petition does not satisfy certain procedural requirements,¹ we have nevertheless considered the petition and conclude that it must be denied.

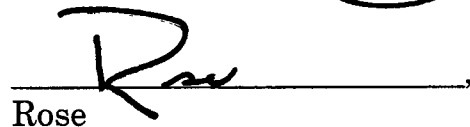
¹See NRS 2.250(1)(a) and NRAP 21(e) (requiring payment of the filing fee before a petition may be considered); NRAP 21(a) (requiring that copies of the challenged order and any other parts of the record necessary to an understanding of the matter be submitted with the petition).

First, the allegations in the petition, if true, set forth due process challenges to the underlying proceedings. But a determination as to whether the allegations are true will require fact-finding, a task for which this court is not suited.² Second, extraordinary relief is warranted only when petitioner has no adequate remedy at law.³ Here, it appears that petitioner has a remedy in the form of an NRCP 60(b) motion to set aside the order terminating his parental rights, and also possibly a motion for a stay of any adoption proceedings filed in the district court. Petitioner does not allege that he filed any papers in the district court seeking such relief.

Accordingly, we

ORDER the petition DENIED.


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. William O. Voy, District Judge, Family Court Division
Ellsworth Moody & Bennion Chtd
Kristopher M. Lauchner
Clark County Clerk

²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

³See NRS 34.170; NRS 34.330.