

IN THE SUPREME COURT OF THE STATE OF NEVADA

BETTY ANN KENNISON,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
MINERAL, AND THE HONORABLE
ROBERT W. LANE, DISTRICT JUDGE,
Respondents,

and

STATE OF OREGON AND STEPHEN
MADRID,
Real Parties in Interest.

No. 39135

FILED

MAR 13 2002

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court's refusal to dismiss, under NRCP 41(e), a contempt proceeding to enforce a child support order. We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.

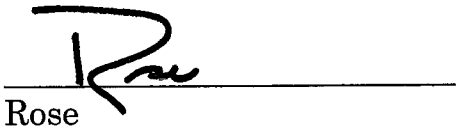
A contempt proceeding is sui generis, peculiar unto itself and neither a civil action nor a criminal prosecution within the ordinary meaning of those terms.¹ Although it has some characteristics of an independent proceeding, a contempt proceeding to enforce a child support order, when filed in the same action giving rise to the support order, is


¹See, e.g., Hall v. Hall, 485 So. 2d 747, 749 (Ala. Civ. App. 1986); Eliker v. Eliker, 295 N.W.2d 268, 271 (Neb. 1980).

supplementary to the prior domestic relations case.² Hence, the contempt proceeding below, filed under the same docket number as the original action in which the child support order was entered, is not a new “action” to which NRCP 41(e)’s five-year prescriptive period applies anew. Accordingly, we deny the petition.³

It is so ORDERED.⁴

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Robert W. Lane, District Judge
Mineral County District Attorney
Nevada Legal Services
Mineral County Clerk

²See NRS 130.205 (providing that the state tribunal issuing a child support order has continuing and exclusive jurisdiction over the order); see also McClenny v. Superior Court of Los Angeles County, 388 P.2d 691 (Cal. 1964) (holding that contempt proceeding was a continuation of original domestic relations case); Brown v. King, 472 S.E.2d 65 (Ga. 1996) (same); Graham v. Fenno, 734 P.2d 983 (Wyo. 1987) (same).

³See NRAP 21(b).

⁴In light of this disposition, we deny as moot petitioner’s motion for stay or to expedite review filed on February 27, 2002.