IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF: J.B., A MINOR.

CLARK COUNTY DEPARTMENT OF FAMILY SERVICES; AND CLARK COUNTY DISTRICT ATTORNEY'S OFFICE,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE RHONDA KAY FORSBERG, DISTRICT JUDGE,
Respondents,
and
J.B., A MINOR; MILES S., JR.; AND LINDSEY B.,
Real Parties in Interest.

No. 90275

FILED
NOV 20 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER GRANTING PETITION FOR A WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order placing a minor child with fictive kin and granting visitation rights to the minor child's grandparent. Minor J.B. was taken into protective custody two days after his birth. As part of the protective custody action, the district court ordered petitioner Clark County Department of Family Services (DFS) to provide for the placement, care, and supervision of J.B. DFS placed J.B. with amici curiae Becky and Jay Whipple, who had been a fictive-kin placement for the child. After paternity was established, J.B.'s paternal grandfather agreed to have J.B. placed with him, and the district court ordered placement with the grandfather. DFS filed a petition for a writ of mandamus with this court, challenging that

placement order. We granted DFS's petition, directing the district court to vacate the order placing J.B. with the grandfather. *In re Matter of J.B.*, 140 Nev., Adv. Op. 39, 550 P.3d 333, 340 (2024). Thereafter, the district court held an evidentiary hearing, after which it ordered that J.B. be placed with the Whipples. As part of the placement order, the district court granted "significant" visitation rights to the grandfather under NRS 125C.050 and ordered that the visitation schedule would survive any future adoption decree. DFS now challenges the district court's decision to grant visitation rights to the grandfather in the placement order. We elect to entertain DFS's petition because the placement order is not appealable and we have previously considered similar placement orders through petitions for a writ of mandamus. *See Matter of J.B.*, 140 Nev., Adv. Op. 39, 550 P.3d at 337 (noting that writ relief is appropriate because a placement order is not appealable).

Before addressing the petition's merits, we consider and reject Miles S. Jr.'s argument that DFS lacks standing to challenge the district court's order. Standing in this context requires that the petitioner be beneficially interested in the relief sought. *Heller v. Legislature of Nev.*, 120 Nev. 456, 460-61, 93 P.3d 746, 749 (2004); *see also* NRS 34.170 (authorizing writ relief upon application of a beneficially interested party). Beneficial interest exists when the petitioners have "'a direct and substantial interest that falls within the zone of interests to be protected by the legal duty asserted.'" *Heller,* 120 Nev. at 461, 93 P.3d at 749 (quoting *Lindelli v. Town of San Anselmo,* 4 Cal. Rptr. 3d 453, 461 (Ct. App. 2003)). Here, DFS is a public agency that had protective custody of J.B. when the placement order was entered. *Destin v. Eighth Jud. Dist. Ct.*, 141 Nev., Adv. Op. 42, 574 P.3d 935, 940 (2025). In protective custody actions, DFS's duties extend to

the "initial removal of a child from their parents, the protective custody action, and the child's placement while in protective custody." *Id.*; *see* NRS 432B.550. Those duties afford DFS the requisite beneficial interest to challenge the placement order because that order touches on issues pertaining to the child's placement while under DFS custody.

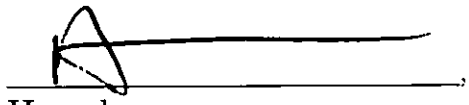
Next, DFS argues writ relief is warranted because the district court improperly granted visitation rights to J.B.'s grandfather under NRS 125C.050. NRS 125C.050 provides grandparents with the right to seek visitation. In relevant part, NRS 125C.050 permits a grandparent to petition for reasonable visitation rights where "the parental rights of either or both natural parents of a child are relinquished or terminated, and the child is placed in the custody of a public agency . . . ." NRS 125C.050(7). And NRS 125C.050(1) permits the district court to grant grandparent visitation "if a parent of an unmarried minor child . . . [h]as relinquished his or her parental rights or his or her parental rights have been terminated."

There is no relinquishment or termination of parental rights in the record before this court. The district court's placement order states that the parents signed relinquishments, but the relinquishments are "*currently being held pending the resolution of this hearing.*" And DFS states in its petition for writ relief before this court that it is "now scheduling both parents' relinquishments." Because no relinquishments had been finalized when the district court entered the placement order, it could not yet order grandparent visitation under NRS 125C.050. Thus, the district court manifestly abused its discretion by awarding grandparent visitation under NRS 125C.050. Any grandparent visitation ordered would have to be through the court's authority under NRS Chapter 432B. *See* NRS

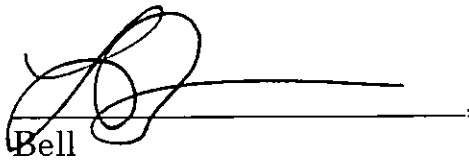
432B.560(1)(c) (providing that the district court may order "[a] reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child"). We express no opinion as to the other issues raised by petitioners given our conclusion on the threshold error in the visitation portion of the placement order.

For the foregoing reasons, we

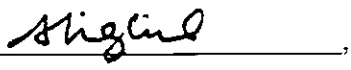
ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to vacate the portion of its placement order regarding J.B.'s visitation with the paternal grandfather.



_____, C.J.
Herndon



_____, J.
Bell



_____, J.
Stiglich

cc: Hon. Rhonda Kay Forsberg, District Judge
Clark County District Attorney/Juvenile Division
The Grigsby Law Group
Legal Aid Center of Southern Nevada, Inc.
The Law Offices of Frank J. Toti, Esq.
Hutchison & Steffen, LLC/Reno
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk