

INLOW VS. DIST. CT. (SANCHEZ), No. 69539, Order Granting Petition for Writ of Prohibition (Unpublished Disposition, June 20, 2016)
SC UNPUB

The Court may issue a writ of prohibition to prevent the district court from exercising judicial functions which are in excess of the court's jurisdiction, per NRS 34.320. Whether to entertain an extraordinary writ petition is purely discretionary with the Court.

The district court correctly determined that NRS 125C.050 does not explicitly require an independent action, and thus, a motion filed within the existing custody action would suffice. Nevertheless, the paternal grandparents have not intervened or been joined in the custody action between Sanchez and Inlow, and the district court does not have jurisdiction to award custodial rights to a nonparty to the action.

Thus, the district court lacks jurisdiction to entertain the motion for grandparent visitation filed by Sanchez.