

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF R.S., S.S., E.S.,  
JR., AND S.S., MINOR CHILDREN.

No. 51370

EDWIN S.,  
Petitioner,

vs.

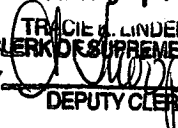
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SCOTT JORDAN, SENIOR JUDGE,  
FAMILY COURT DIVISION,

Respondents,

and

THE STATE OF NEVADA,  
Real party in interest.

**FILED**

APR 09 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS

This is a proper person original petition for a writ of mandamus challenging a district court post-adoption order denying appellant access to certain juvenile court records.<sup>1</sup> Second Judicial

<sup>1</sup>We direct the clerk of this court to amend the caption on this court's docket to conform to the caption on this order. We note that no appeal lies from the order challenged in this matter. See NRAP 3A(b). Because the relief requested is more properly sought in a petition for a writ of mandamus, we elect to construe the challenge to the district court order as seeking a writ of mandamus. And while NRAP 21's procedural requirements have not been met, because no affidavit of the party beneficially interested was filed as required under NRS 34.030 and service of all documents was not effected on the district court judge, we elect to  
*continued on next page . . .*

District Court, Family Court Division, Washoe County; Scott Jordan, Senior Judge.

In March 2005, petitioner executed documents relinquishing his parental rights to his minor children and consenting to their adoption. Petitioner's minor children were adopted in October 2005. In March 2008, petitioner filed a motion to reopen the juvenile records and a request to inspect the transcripts from June 1, 2004, to September 15, 2004. Petitioner asserted that access to this information was needed to file a 42 U.S.C. § 1983 action against the Washoe County Jail and to file a state habeas corpus petition. The district court denied petitioner's motion on the basis that it could not find that petitioner had a legitimate interest in the records and that petitioner had no automatic right to review the records because he had relinquished his parental rights. This petition followed.

Petitioner contends that the district court erred in denying him access to the juvenile court records because his consent to adoption was invalid and he was forced to relinquish his parental rights. Thus, according to petitioner, he could not have voluntarily relinquished his right to access the juvenile records. Real party in interest asserts that, regardless of petitioner's contentions, the relinquishment of petitioner's parental rights and consent to the adoption of his minor children is valid

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*... continued*

waive those requirements in this particular matter so that we may consider petitioner's challenge. See NRAP 2 (allowing this court to suspend its rules in the interests of expediting a decision).

and the district court properly denied petitioner access to the juvenile court records.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus, moreover, is an extraordinary remedy, and the decision to entertain such a petition is addressed to our sole discretion. See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982). Petitioner bears the burden to demonstrate that our intervention by way of extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Under NRS 62H.030(2), a court may open juvenile court records to persons having a “legitimate interest in the records.” The district court has wide discretion to determine the persons having a “legitimate interest” in juvenile court records. Hickey v. Dist. Ct., 105 Nev. 729, 733, 782 P.2d 1336, 1339 (1989) (interpreting a former NRS provision, analogous to NRS 62H.030, which allows sealed records to be opened if the person making the request has a legitimate interest in the records). In making this determination, the court must balance the requesting party’s need for the records against society’s interest in keeping certain juvenile records confidential. Id.

Having reviewed the parties’ arguments and the district court record in light of these principles, we conclude that the district court did not manifestly abuse its discretion when it denied petitioner’s March 2008 motion. Specifically, petitioner does not have a legitimate interest in the juvenile records because the juvenile court records are irrelevant to the

lawsuit that petitioner intends to file against the Washoe County Jail and to his habeas corpus petition. Accordingly, we

ORDER the petition DENIED.<sup>2</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Chief Judge, Second Judicial District  
Hon. Scott Jordan, Senior Judge, Family Court Division  
Edwin S.  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>Having reviewed the district court record, we conclude that we need not consider the transcripts or briefs requested by petitioner. Thus, in light of this order, we deny as moot petitioner's April 14, 2008, transcript request.