

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

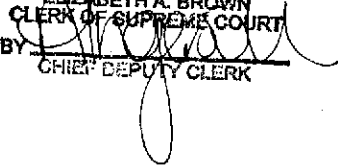
IN THE MATTER OF THE
APPLICATION OF MELBA NEVIN TO
BE GRANTED VISITATION WITH THE
MINOR CHILD K.E.N., DOB: 01/16/2012
A CHILD UNDER THE 18 YEARS OF
AGE.

MELBA NEVIN,
Appellant,
vs.
JAKE MUELLER; AND KAYLA
MUELLER,
Respondents.

No. 70549

FILED

JAN 30 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Appeal from a special order after final judgment in action concerning visitation rights. Third Judicial District Court, Lyon County; Leon Aberasturi, Judge.

Appellant Melba Nevin appeals a district court order denying her motion to hold respondents Jake and Kayla Mueller (the Muellers) in contempt for violating a pre-adoption visitation order. Before the Muellers adopted Melba's step great-granddaughter, Melba was awarded visitation rights with respect to the child in a separate action. Following the adoption, the Muellers informed Melba that they were terminating her visitation with the child. Melba then filed a motion for an order to show cause in her visitation case, and requested the Muellers be held in contempt of court for violating the visitation order. The district court found that the subsequent adoption of the child extinguished the visitation

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order and thus no order existed compelling the Muellers to allow visitation with the child.¹

Melba presents two arguments on appeal. First, Melba argues pursuant to NRS 127.171(1)(b) the visitation order survived the adoption, and could therefore serve as a basis for a contempt order. Second, Melba argues she was entitled to notice of the adoption proceedings.²

This court reviews questions of statutory interpretation de novo. *Zohar v. Zbiegien*, 130 Nev. ___, ___, 334 P.3d 402, 405 (2014). Adoption “completely abrogates the legal relationship between a child and his natural grandparents.” *Bopp v. Lino*, 110 Nev. 1246, 1253, 855 P.2d 559, 563 (1994). Therefore, except as otherwise provided by statute, a natural relative of the adopted child has no rights with regard to the adopted child. *Id.* at 1250-51, 885 P.2d at 562. However, NRS 127.171(1)(b) “provides an exception to the termination of legal rights of certain relatives to a child who is the subject of adoption proceedings.” *Id.* at 1251, 855 P.2d at 562. NRS 127.171(1)(b) provides that in adoption proceedings, the court may grant a right of reasonable visitation to

¹We do not recount the facts except as necessary to our disposition.

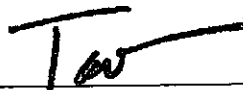
²Melba’s notice argument alleges a procedural deficiency, regarding notice, in the adoption proceeding. As the adoption proceeding is a different case, and Melba has not identified any authority permitting this court to review an alleged procedural deficiency in the adoption case, the argument is not properly before this court. *See Edwards v. Emperors Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that an appellate court need not consider claims that are not cogently argued and supported).

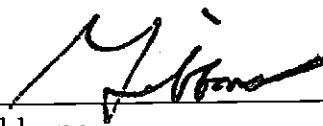
"[c]ertain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050."

Here, Melba's argument fails as NRS 127.171(1)(b) simply allows the district court discretion to grant visitation to certain relatives with preexisting visitation rights. To hold that NRS 127.171(1)(b) mandates that pre-adoption visitation survives an adoption would contradict the plain language of the statute. Because the pre-adoption visitation order was extinguished by the adoption, the Muellers cannot be held in contempt of that order.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Silver, C.J.


Tao, J.


Gibbons, J.

cc: Hon. Leon Aberasturi, District Judge
Carolyn Worrell, Settlement Judge
Wayne A. Pederson, P.C.
Kathleen B. Kelly
Third District Court Clerk

³We have considered all other arguments on appeal and find that they are unpersuasive.