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2010-06

FILED
APR 6 1 33 PM '10

DISTRICT COURT
CLERK
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER)
OF THE ASSIGNMENT OF)
PROCEEDINGS TO CHANGE THE)
NAMES OF PERSONS PURSUANT)
TO NRS 41.270 IN THE)
EIGHTH JUDICIAL DISTRICT COURT)

ADMINISTRATIVE
ORDER 2010-06

**ADMINISTRATIVE ORDER REGARDING THE ASSIGNMENT OF
PROCEEDINGS TO CHANGE THE NAMES OF PERSONS PURSUANT
TO NRS 41.270 IN THE EIGHTH JUDICIAL DISTRICT COURT**

WHEREAS, the family division of the Eighth Judicial District Court was established in January, 1993. Since that time, petitions for the change of names of adults, and petitions for change of names of minors have been assigned to the family division of the district court for management and adjudication. NRS 3.223 provides, in part, that the family court has original, exclusive jurisdiction, in any proceeding: (f) to change the name of a minor. Proceedings to Change Names of Persons is found at NRS 41.270.

WHEREAS, the Nevada Supreme Court issued a decision in *Landreth v. Malik*, 125 Nev. Adv. Op. 61 on December 24, 2009. In that decision, the Nevada Supreme Court concluded that NRS 3.223 prescribes the jurisdiction of the family court, and since that case involved a matter not enumerated in NRS 3.223, the family court lacked subject matter jurisdiction to enter judgment. NRS Chapter 41 is not listed as part of the jurisdiction of the

T. ARTHUR RITCHIE, JR.
DISTRICT JUDGE

FAMILY DIVISION, DEPT. H
LAS VEGAS, NEVADA 89155

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family division of the district court, and the majority of the Nevada Supreme Court has concluded that the family court lacks subject matter jurisdiction over matters not enumerated in NRS 3.223. While the Nevada Supreme Court in *Landreth v. Malik*, did not hold that seventeen years of orders changing the names of adults are void, in the abundance of caution, and taking the statement in the majority opinion that, “The absence of subject matter jurisdiction renders the family court order void, not merely voidable” at face value, name changes for minors should remain in the family division, and name changes for adults should be reassigned to the civil/ criminal division. This administrative order for the management of these similar civil petitions follows the decisional law.

WHEREAS, the Eighth Judicial District Court Rule 1.30 (b)(5) provides that the chief judge make regular and special assignments of all judges, and hear or reassign emergency matters when a judge is absent or otherwise unavailable.

WHEREAS, the Eighth Judicial District Court Rule 1.30 (b)(18) provides that the chief judge assure that court duties are timely and orderly performed.

WHEREAS, the Eighth Judicial District Court Rule 1.30 (b)(18)(iv) provides, in part, that to facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.

WHEREAS, the assignment of the petition for change of names of persons who are not minors to a district judge who serves in the civil/ criminal division is necessary in light of the *Landreth v. Malik* decision.

Therefore,

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IT IS HEREBY ORDERED that petitions for the Proceedings to Change Names of Persons pursuant to NRS 41.270, (non-minors), shall be assigned a civil case number, and assigned to a district judge in the civil/ criminal division of the district court.

The Honorable Donald Mosley, District Court, Department 14, shall be assigned the adult name change petitions pursuant to this administrative order for the Eighth Judicial District Court, and matters filed pursuant to NRS 41.270 will be managed by that department at the direction of the civil presiding judge.

IT IS FURTHER ORDERED that the effective date of this assignment is April 5, 2010, and shall continue until modified or rescinded by a subsequent Administrative Order.

DATED this 5th day of April, 2010.



CHIEF JUDGE