

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANICE N. SIX,
Appellant,
vs.
KRISTAN J. SIX,
Respondent.

No. 46332

FILED

FEB 17 2006

ORDER AFFIRMING IN PART,
REVERSING IN PART AND REMANDING

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Edwards*
CHIEF DEPUTY CLERK

This is a proper person appeal from a divorce decree. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Under the divorce decree, the parties were awarded joint legal custody of the minor children, with appellant having primary physical custody and respondent having visitation. The decree sets forth a detailed visitation schedule. Moreover, the decree provides that respondent must pay child support in the amount of \$1,069 per month. The decree states that the child support award is "in compliance with NRS 125B and was set and determined by the Nye County District Attorney's Office." In her Civil Proper Person Appeal Statement, appellant challenges the portions of the divorce decree concerning the visitation schedule and child support, and the fact that the decree does not expressly address spousal support or community debt.

The district court enjoys broad discretionary powers in determining child custody issues, including visitation, and this court will not disturb the district court's judgment absent a clear abuse of discretion.¹ A district court order that awards visitation must define the

¹See Sims v. Sims, 109 Nev. 1146, 865 P.2d 328 (1993).

06-03621

rights of the noncustodial parent with sufficient particularity.² We conclude that the district court did not abuse its discretion when it set forth, with sufficient particularity, a visitation plan for respondent and the children. Thus, we affirm that portion of the divorce decree.

With regard to child support, NRS 125B.070(1)(b)(3) establishes a formula setting a noncustodial parent's monthly child support obligation for three children at 29% of the parent's gross monthly income, subject to a maximum cap. Here, the divorce decree determines that respondent must pay child support for the three children in the amount of \$1,069. The decree does not apply the statutory formula or provide specific findings as to how the district court determined the award, except that the decree states that the award was based on NRS Chapter 125B and a district attorney's office determination regarding respondent's income. The record does not contain any financial documentation from respondent to support the district court's award. Accordingly, we conclude that the district court abused its discretion when it ordered respondent to pay \$1,069 per month in child support without setting forth the basis upon which the court rendered its decision. Thus, we reverse that portion of the divorce decree, and we remand this matter to the district court for proceedings consistent with this order.

Finally, as for the issues concerning spousal support and any community debt, the decree is silent as to these issues. In granting a divorce, the district court "[m]ay award such alimony to the wife or to the husband, in a specified principal sum or as specified periodic payments, as

²NRS 125C.010.

appears just and equitable."³ In addition, the district court must, "to the extent practicable, make an equal disposition of the community property of the parties."⁴ Since the decree does not address these issues, we cannot discern whether the district court properly considered and rejected them. Thus, we conclude that the district court abused its discretion when it failed to expressly resolve appellant's requests for spousal support and the division of certain community debt. Accordingly, we remand these issues to the district court for further proceedings.

It is so ORDERED.

Douglas, J.
Douglas

Becker, J.
Becker

Parraguirre, J.
Parraguirre

cc: Hon. Robert W. Lane, District Judge
Janice N. Six
Kristan J. Six
Nye County Clerk

³NRS 125.150(1)(a); see Wolff v. Wolff, 112 Nev. 1355, 929 P.2d 916 (1996) (holding that an award of spousal support will not be disturbed on appeal unless it appears from the record that the district court abused its discretion).

⁴NRS 125.150(1)(b).