

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARY RUFFA-KRAVETZ,
Appellant,
vs.
SHAORU GARNER AND SCOTT
GARNER,
Respondents.

No. 47396

FILED

FEB 02 2007

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a petition for grandparent visitation as well as a motion concerning visitation and custody of a minor child. Eighth Judicial District Court, Clark County; T. Arthur Ritchie, Jr., Judge.

Appellant Mary Ruffa-Kravetz, in December 2005, filed both a petition for grandparent visitation as well as a motion, styled "Motion for Specified Grandparent Visitation, and Ultimately Custody, and Related Relief." Respondents Shaoru and Scott Garner responded in opposition through counsel. The matter was heard at a bench trial in April 2006. Mary appeared in proper person. The Garners appeared through counsel. At the trial's conclusion, the district court took the matter under advisement and in May 2006, entered a written order. In its order, the

district court denied relief to appellant. It is from this order that appellant appeals.

Appellant is the paternal grandmother of Sean Ruffa, who was born on December 20, 1999. His father, David Ruffa, is appellant's son. David Ruffa is currently serving a life sentence in Nevada for the murder of Sean's mother, Shao L. Liu, having been convicted of the crime in 2005. At the time of Shao's death, she was married to Ruffa, although she had filed for divorce. After Shao was killed, her sister Shaoru, and her sister's husband, Scott Garner, established legal and physical custody over Sean after being granted leave to intervene in the divorce action. Later, the Garners instituted an action for guardianship and were ultimately granted legal guardianship over Sean. The couple wants to adopt Sean.

After having reviewed Mary's appeal statement and the record of this matter, we detect neither error on the part of the district court nor any abuse of its discretion; we therefore affirm its decision.

NRS 125C.050 applies whenever a grandparent seeks visitation with a grandchild. Here, the district court conducted the appropriate inquiry under NRS 125C.050(7) to determine if Mary had proved by a preponderance of the evidence that visitation would be in Sean's best interests. To determine the child's best interests, the district court appropriately, carefully and thoroughly applied the considerations described in NRS 125C.050(6)(a)-(i).

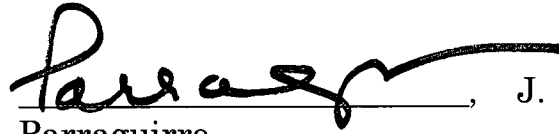
The district court, after considering the evidence before it, determined that Mary had not proven that her visitation with Sean is in

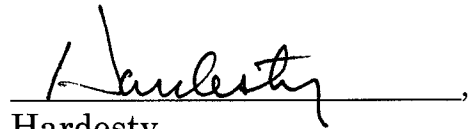
Sean's best interests. In making its determination, the court made certain factual findings, including (1) that Mary had not maintained an emotional tie with Sean, and had not been prevented from doing so, (2) that Mary had failed to establish that she would cooperate with Sean's guardians, the Garners, (3) that Mary did not prove that she would facilitate and encourage a close and continuing relationship between Sean and the Garners, (4) that the family dynamic between the Garners and Mary is dysfunctional and potentially damaging to Sean, (5) that Mary does not like or respect the Garners and remains a staunch supporter of her son, Ruffa, and believes he is innocent, (6) that the Garners believe that Mary assisted Ruffa in evading prosecution after Shaoru's murder, and that credible evidence exists to support the reasonableness of this belief, (7) that the Garners reasonably believe that Mary harbors racist feelings against Shaoru and Sean, (8) that Mary, according to her own testimony, will unilaterally decide when and how to broach with Sean the subject of Shaoru's murder and Ruffa's responsibility for it. We conclude that the district court did not abuse its discretion in making its findings, as they are supported by substantial evidence.¹ We also conclude that the district

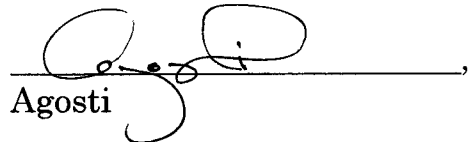
¹See e.g., Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000) (noting that this court will not set aside the district court's factual findings if they are supported by substantial evidence); State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986) (defining substantial evidence as evidence that "a reasonable mind might accept as adequate to support a conclusion").

court applied the appropriate legal standard when it invoked NRS 125C.050 and guided its inquiry according to it. In so doing, the court did not err. The decision of the district court is therefore affirmed.

It is so ORDERED.²


_____, J.
Parraguirre


_____, J.
Hardesty


_____, Sr. J.
Agosti

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division
Mary Ruffa-Kravetz
Rhonda L. Mushkin, Chtd.
Eighth District Court Clerk

²The Honorable Deborah A. Agosti, Senior Justice, participated in the decision of this matter under a general order of assignment entered on January 10, 2007.