


IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY L. FAIRBANKS,
Appellant,
vs.
ANGELIQUE M. FAIRBANKS,
Respondent.

No. 49380

FILED

SEP 10 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court divorce decree. Third Judicial District Court, Churchill County; David A. Huff, Judge.

Appellant Jeffrey Fairbanks and respondent Angelique Fairbanks are the parents of four minor children. Under the divorce decree, the parties were awarded joint legal custody, with respondent having primary physical custody and appellant having visitation. Appellant appeals from the portion of the divorce decree concerning child custody as it pertains to the two youngest children.

Matters of custody, including visitation, rest in the district court's sound discretion.¹ This court will not disturb the district courts custody decision absent a clear abuse of discretion.² In determining child custody, the court's sole consideration is the child's best interest.³

¹Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996).

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

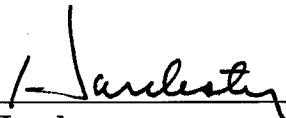
³NRS 125.480(1).

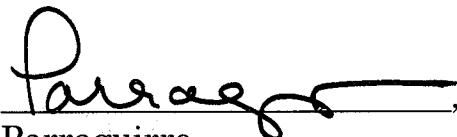
On appeal, appellant contends that the district court disregarded respondent's negative influence over the children, and how the older children, when charged with the responsibility of caring for the younger children while respondent is at work, lack proper supervision and place the younger children at risk of harm.

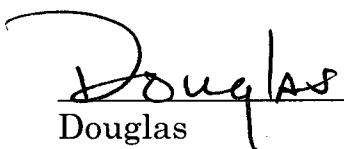
In the present matter, appellant raised these same concerns in the district court, and the court nevertheless concluded that it is in the children's best interest for the parties to have joint legal custody of the children, with respondent having primary physical custody and with appellant having visitation.

Having reviewed the record and appellant's proper person civil appeal statement, we conclude that the district court did not abuse its discretion when it awarded respondent primary physical custody of the minor children, with appellant having visitation. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. David A. Huff, District Judge
Jeffrey L. Fairbanks
Angelique M. Fairbanks
Churchill County Clerk