

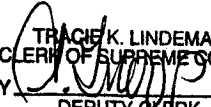
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAIME I. SANDOVAL,
Appellant,
vs.
SUSAN G. SANDOVAL,
Respondent.

No. 49967

FILED

FEB 12 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER AFFIRMING IN PART AND
REMANDING WITH INSTRUCTIONS

This is a proper person appeal from a district court order establishing custody, visitation, and child support. Eighth Judicial District Court, Family Court Division, Clark County; N. Anthony Del Vecchio, Judge.

Appellant Jaime I. Sandoval and respondent Susan G. Sandoval have two minor children. Jaime lives in Illinois and Susan has resided in Las Vegas, Nevada, with the children since August 2003. A divorce decree apparently was entered in an Illinois court, but according to the parties, that decree did not resolve child custody and support issues. On June 28, 2005, Susan filed a complaint to establish child custody, visitation, and support, in the Nevada district court. On that same day, Susan also filed a motion for temporary physical custody and for an emergency order allowing her to retrieve the parties' youngest child from Jaime in Illinois. Jaime filed a countermotion to dismiss the complaint and an opposition to Susan's motion, in part, on the ground that Nevada lacked personal jurisdiction over him.

08-03490

The Nevada district court entered an order, granting Susan's motion for temporary physical custody and the return of the youngest child. Subsequently, the Nevada and Illinois courts held a telephonic conference to determine which court had jurisdiction over the child custody issues, in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act and NRS 125A.275. The courts agreed that the Nevada court had jurisdiction. The Nevada district court later entered an order directing Jaime to pay \$1,000 per month in child support, noting that it had jurisdiction over the custody issues.

Subsequently, after again explaining that it had jurisdiction, the district court entered its final order. The court's order, among other things, awarded Susan permanent primary physical custody, allowing Jaime "reasonable visitation with the minor children," directed Jaime to pay \$1,000 per month in child support under NRS 125B.070, and denied Susan's request for attorney fees, while cautioning Jaime that if he continued to pursue the issue of jurisdiction, attorney fees would be awarded. Jaime has appealed from that final order. After considering Jaime's Civil Proper Person Appeal Statement, this court directed Susan to file a response, which she has submitted.¹

On appeal, Jaime argues that, while the issue of jurisdiction over the custody matter and the children was resolved in Nevada's favor, Nevada lacks personal jurisdiction over him, and the district court therefore erred by ordering him to pay child support. According to Jaime,

¹We grant Susan's December 6, 2007 motion for an extension of time to file her response, and we direct the clerk of this court to file Susan's response, provisionally received in this court on December 12, 2007.

Susan must petition an Illinois court in order to obtain a valid child support order. Jaime next argues that the term “reasonable visitation” is too vague to be enforced. Finally, Jaime contends that the district court’s order improperly indicated that it would award attorney fees to Susan if Jaime continued to pursue the jurisdiction issue.

In her response, Susan concedes that the issue of visitation should be remanded to the district court for it to define Jaime’s visitation with particularity. Susan asserts that the portion of the district court’s order denying her request for attorney fees is not appealable, since Jaime was not ordered to pay any attorney fees.²

Under NRS 125C.010(1)(a), any order awarding visitation must “[d]efine that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved.” Thus, the order must include all specific times and other terms of the visitation rights.³ NRS 125C.010(2) defines “sufficient particularity” as a “statement of the rights in absolute terms and not by the use of the term ‘reasonable,’” as “reasonable” is susceptible to different interpretations by the parties.

Here, the district court’s order allowed Jaime “reasonable visitation,” which, by NRS 125C.010’s express language, fails to define with sufficient particularity Jaime’s visitations rights. Accordingly, because the district court abused its discretion by not defining with

²In our order directing a response, this court directed Susan to address Jaime’s contentions about visitation and attorney fees. Thus, Susan did not address Jaime’s jurisdiction argument.

³NRS 125C.010(1).

particularity Jaime's visitation rights, we remand this matter with instructions that the district court specify the precise terms of Jaime's visitation rights.

As for the attorney fees issue, although Jaime maintains that the district court improperly indicated that it would impose attorney fees the next time Jaime raised the issue of jurisdiction, that portion of the order is not challengeable on appeal. Because the district court denied Susan's request for attorney fees, Jamie is not currently aggrieved by the district court's decision, and he therefore lacks standing to challenge that portion of the order.⁴

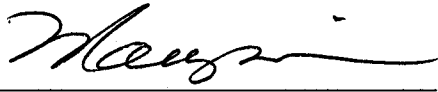
With regard to the child support portion of the order, we conclude that the district court properly exercised its jurisdiction in ordering child support. In particular, the record supports that Jaime consented to the decision to move the children to Nevada, as he originally planned on moving from Illinois to join the family in Las Vegas and, under the Uniform Interstate Family Support Act, a Nevada district court may exercise personal jurisdiction over a nonresident in a proceeding to establish child support, if the children reside in Nevada based on the nonresident's acts or directives.⁵ Thus, the portion of the district court's

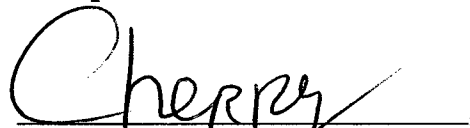
⁴NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (explaining that a party is aggrieved when a district court's order adversely and substantially affects either the party's personal or property rights).


⁵NRS 130.201(1)(e) (providing that, under the Uniform Interstate Family Support Act, in a proceeding to establish child support, a Nevada district court may exercise personal jurisdiction over a nonresident if the children reside in Nevada as a result of the nonresident's acts or directives).

order awarding child support is affirmed. Accordingly, we affirm those portions of the district court's order awarding respondent primary physical custody and child support, and we remand this matter to the district court with instructions that it define Jaime's visitation rights with particularity.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. N. Anthony Del Vecchio, District Judge, Family Court Division
Jaime I. Sandoval
Allen & Dustin, LLC
Eighth District Court Clerk