

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICTORIANA FLORES,
Appellant,
vs.
FREDERICK FLORES,
Respondent.

No. 51063

FILED

JUN 13 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order awarding respondent sole legal and primary physical custody of the parties' minor child. Eighth Judicial District Court, Family Court Division, Clark County; Sandra Pomrenze, Judge.

Appellant and respondent were married and divorced in California and had one child together. After the divorce, appellant and the minor child moved to Nevada and respondent moved to Arizona to continue his military service. In May 2007 respondent filed a complaint in Nevada seeking primary physical and legal custody. With the court's approval, the minor child resided in Arizona with respondent since at least July of 2007. After conducting an evidentiary hearing, the district court awarded respondent sole legal and primary physical custody on January 9, 2008. This appeal followed.

District courts have broad discretion in determining child custody matters and we will not disturb the district court's determinations absent a clear abuse of discretion.¹ When reviewing child custody


¹Ellis v. Carucci, 123 Nev. ___, 161 P.3d 239 (2007).


determinations, we will not set aside the district court's factual findings if they are supported by substantial evidence, which is evidence that a reasonable person may accept as adequate to sustain a judgment.² A modification of primary physical custody is warranted only when the party seeking a modification proves: (1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification.³

Having reviewed appellant's proper person appeal statement, respondent's response, and the record on appeal, we conclude that the district court did not abuse its discretion when it awarded respondent sole legal and primary physical custody of the parties' minor child. Accordingly, we

AFFIRM the district court's order.⁴


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

²Id.

³Id.

⁴In light of this order we deny appellant's April 28, 2008, motion for stay.

cc: Hon. Sandra Pomrenze, District Judge, Family Court Division
Victoriana Flores
Michael J. Warhola, LLC
Eighth District Court Clerk