

IN THE SUPREME COURT OF THE STATE OF NEVADA

LORIE METZKER,
Appellant,
vs.
JOHN METZKER,
Respondent.

No. 51916

FILED

DEC 04 2009

THOMAS K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

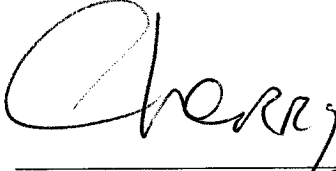
This is a proper person appeal from a post-decree district court order modifying child custody and child support. Second Judicial District Court, Family Court Division, Washoe County; Terrance P. Marren, Senior Judge.


On appeal, appellant contends that the district court abused its discretion in changing custody and that it erred in determining that appellant improperly divided the child's social security benefits rather than depositing the funds into a trust account as an investment for the child's educational future, as previously agreed to by the parties.¹

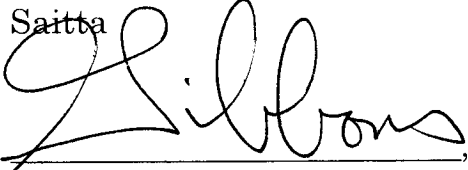
¹While appellant challenges the district court's determination that she violated the parties' settlement agreement, we conclude that appellant is not an aggrieved party, as she was not required to reimburse respondent for the social security funds that she kept as support for the parties' child. See Webb v. Clark County School Dist., 125 Nev. ___, ___, ___ P.3d ___ (Adv. Op. No. 47, October 8, 2009) (discussing when a party is aggrieved). Thus, we need not reach this issue on appeal.

Having considered appellant's civil proper person appeal statement, respondent's response, and the district court record, we conclude that the district court did not abuse its discretion in modifying child custody. Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996) (providing that child custody matters rest in the district court's sound discretion). In light of the district court's order awarding primary physical custody of the parties' minor child to respondent, we conclude that no abuse of discretion occurred in requiring appellant to provide respondent with any social security funds that she receives on behalf of the child after May 31, 2008. Id. (providing that child support matters rest in the district court's sound discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Chief Judge, Second Judicial District
Hon. Terrance P. Marren, Senior Judge, Family Court Division
Cathy Valenta Weise, Settlement Judge
Lorie Metzker
Law Offices of Richard W. Young
Washoe District Court Clerk