

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 53729

FILED

NOV 06 2009

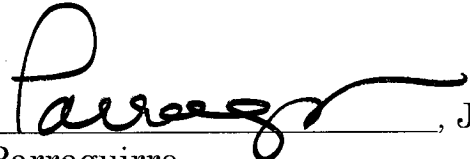
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CLERK OF SUPREME COURT
BY S. Young
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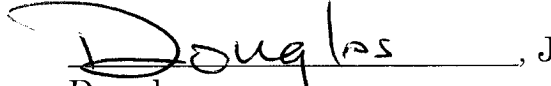
ORDER OF REVERSAL AND REMAND

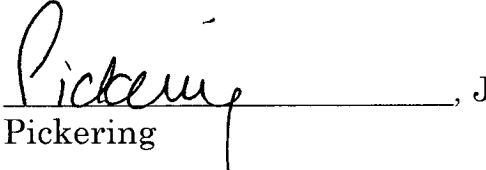
This is a proper person appeal from a post-decree district court order modifying child support. Eighth Judicial District Court, Family Court Division, Clark County; William G. Henderson, Judge.

Having reviewed appellant's proper person civil appeal statement and the district court record, we conclude that the district court abused its discretion in modifying appellant's child support obligation, as substantial evidence does not support the district court's order. Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996) (holding that a district court's order regarding child support will not be disturbed absent an abuse of discretion); Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000) (explaining that a district court's factual findings will be upheld if supported by substantial evidence in the record). Here, the district court's order included a figure for benefits the younger child would receive after the older child's emancipation, but no evidence in the record supports this amount. Accordingly, the record is unclear as to how each recipient's benefits will be calculated upon the older child's emancipation. Thus, it appears that the district court abused its discretion in modifying appellant's child support obligation based on the benefit amounts in its order. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. William G. Henderson, District Judge, Family Court Division
Jaime I. Sandoval
Law Office of Betsy Allen
Eighth District Court Clerk

¹In light of this order, we do not consider at this time whether the district court abused its discretion by including the social security disability payments paid directly to the children in calculating appellant's gross monthly income or failing to address appellant's request for retroactive modification of child support based on respondent's purported receipt of a lump sum payment of social security benefits on behalf of the children. The parties are free to raise these issues in any appeal from the district court's judgment on remand.