

IN THE SUPREME COURT OF THE STATE OF NEVADA

STACY LAZZARO,
Appellant,
vs.
KRISTIAN WILLIAMS,
Respondent.

No. 53898

FILED

FEB 05 2010

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 denying appellant's motion to modify child custody and support. Eighth Judicial District Court, Family Court Division, Clark County; Frank P. Sullivan, Judge.

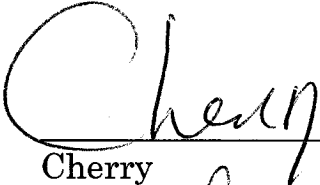
On appeal, appellant argues that the district court abused its discretion by declining to modify the order of joint custody to give her sole legal custody and primary physical custody of the parties' minor child. Appellant also contends that the district court should have increased respondent's child support payment in light of his rental income.


Having considered appellant's civil proper person appeal statement and the district court record, we conclude that the district court did not abuse its discretion in declining to modify the child custody and child support order. See Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (recognizing that matters of child custody and support are within the trial court's discretion). In particular, appellant did not show that the parties' circumstances had substantially changed since the entry of the order, such that modification of either child custody or child support was warranted. See Mosley v. Figliuzzi, 113 Nev. 51, 58,

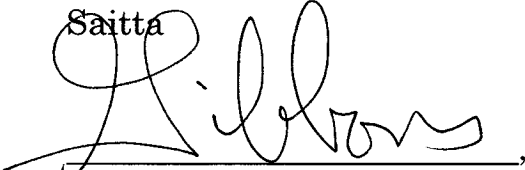
930 P.2d 1110, 1115 (1997) (holding that a court's child custody decision should not be modified "if substantially the same set of circumstances that were present at the time the decision was made remains in effect"); see also Rivero v. Rivero, 125 Nev. ___, ___, 216 P.3d 213, 228 (2009) (providing that the district court may modify a child support order only upon a finding that there has been a change in circumstances since the entry of the order and that modification is in the child's best interest).

Because we have concluded that the district court did not abuse its discretion in denying appellant's motion to modify child custody and child support, we

ORDER the judgment of the district court AFFIRMED.


Cherry, J.


Saitta, J.


Gibbons, J.

cc: Hon. Frank P. Sullivan, District Judge, Family Court Division
Stacy Lazzaro
Dale E. Haley
Eighth District Court Clerk