

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN PERSSE,
Appellant,
vs.
KAMILA PERSSE,
Respondent.

No. 56631

FILED

MAY 10 2011

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 regarding child custody and visitation and awarding attorney fees to respondent. Eighth Judicial District Court, Family Court Division, Clark County; Robert Teuton, Judge.

On appeal, appellant challenges the district court's determinations regarding the (1) denial of appellant's motion to modify custody, (2) refusal to enforce or award appellant make-up visitation with the parties' minor child, and (3) award of attorney fees to respondent.¹

First, regarding the district court's decision to deny appellant's motion to modify custody, the district court record demonstrates that appellant did not present sufficient evidence to warrant a modification of child custody. See Ellis v. Carucci, 123 Nev. 145, 161 P.3d 239 (2007) (providing that custody may be modified if the moving party demonstrates a substantial change in circumstances that affects the child's welfare and

¹We have considered appellant's other appellate arguments and conclude that they lack merit.


the child's best interest is served by the modification). Accordingly, we conclude that the district court did not abuse its discretion in denying appellant's motion to modify custody. See id.; see also Wallace v. Wallace, 112 Nev. 1015, 922 P.2d 541 (1996) (providing that a district court's child custody decision will not be overturned absent an abuse of discretion); NRS 125.480(1) ("[T]he sole consideration of the court [in child custody matters] is the best interest of the child.").

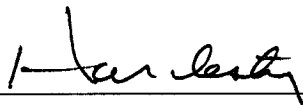
Second, concerning appellant's request to enforce his visitation rights and order make-up time for the visitation he missed with the child, the record reveals that respondent attempted to contact appellant regarding visitation, with no response from appellant. Based on this evidence, the district court found that appellant's arguments were frivolous, as there was no evidence that respondent interfered with his visitation rights. Having considered the record and appellant's arguments, we conclude that the district court did not abuse its discretion in denying appellant's motion regarding visitation. See Wallace, 112 Nev. 1015, 922 P.2d 541 (providing that a district court's decision regarding visitation will not be overturned 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).

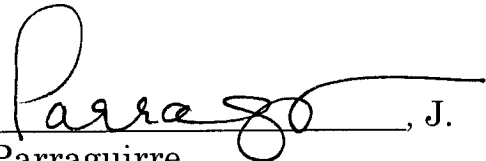
Third, with regard to the district court's award of attorney fees to respondent, having reviewed appellant's arguments and the district court record, we conclude that the district court did not abuse its discretion. See Miller v. Wilfong, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005) (reviewing a district court's award of attorney fees for an abuse of discretion).

Accordingly, having found no abuse of discretion regarding appellant's legal challenges, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Robert Teuton, District Judge, Family Court Division
John Persse
Hanratty Law Group
Eighth District Court Clerk