

IN THE SUPREME COURT OF THE STATE OF NEVADA

NICKOLE D. MITCHELL,
Appellant,
vs.
JEFFREY R. MITCHELL,
Respondent.

No. 57263

FILED

MAR 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court post-divorce decree order concerning child custody and child support. Second Judicial District Court, Family Court Division, Washoe County; Chuck Weller, Judge.

Having considered the parties' arguments and the district court record, we conclude that reversal of the district court's order is not warranted.¹ Regarding the district court's modification of the parties' child custody arrangement, we conclude that no abuse of discretion occurred. Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (providing that this court reviews district court child custody decisions for an abuse of discretion). While appellant contends that in the district court's findings it misstated her testimony regarding her past relationship with the parties' children, we conclude that regardless of the district court's finding on this point of appellant's testimony, the remaining factual findings are supported by substantial evidence and thus


¹Respondent's contention that this court lacks jurisdiction to consider the March 24, 2010, order lacks merit. While the March 24 order appears to modify the parties' child custody arrangement, the custodial change was conditioned on respondent's future conduct and a hearing was set to determine the request for a permanent modification. Thus, the March 24 order was a temporary order that may be considered in the context of this appeal from a final post-judgment order. See generally Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998).

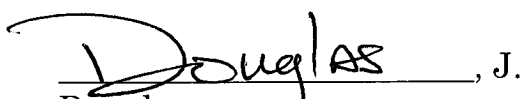
reversal of the district court's decision to modify custody is not warranted. Gepford v. Gepford, 116 Nev. 1033, 1036, 13 P.3d 47, 49 (2000) (explaining that a district court's factual findings will be upheld if supported by substantial evidence in the record); Kobinski v. State, 103 Nev. 293, 297, 738 P.2d 895, 897-98 (1987) (upholding a district court's order terminating parental rights, as it was supported by substantial evidence, even though several of the district court's findings were unsupported by the evidence); see also Castle v. Simmons, 120 Nev. 98, 103, 86 P.3d 1042, 1046 (2004) (providing that this court defers to the district court on issues of witness credibility).

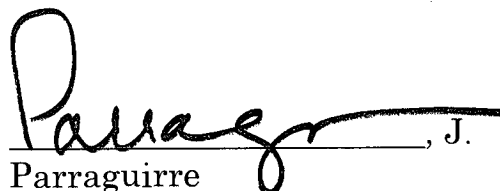
Concerning the district court's decision allowing respondent to utilize the district attorney's office to collect appellant's arrears for medical insurance premiums, we conclude that no abuse of discretion occurred. Wallace, 112 Nev. at 1019, 922 P.2d at 543 (holding that a district court's decision regarding child support will not be overturned absent an abuse of discretion); see generally NRS Chapter 425 (Support of Dependent Children); NRS 425.3836 (outlining procedures for enforcement of court-ordered child support).

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Parraguirre

²Respondent seeks an award of attorney fees under NRAP 38. Having considered the argument in light of NRAP 38's provisions, we deny his request.

cc: Hon. Chuck Weller, District Judge, Family Court Division
Nickole D. Mitchell
Richard F. Cornell
Washoe District Court Clerk