

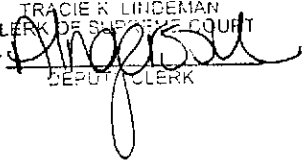
IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT GOODKIN,  
Appellant,  
vs.  
MARY GOODKIN,  
Respondent.

No. 61418

FILED

JAN 21 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from a district court post-divorce decree order concerning child support and attorney fees. Eighth Judicial District Court, Family Court Division, Clark County; William S. Potter, Judge.

This court previously remanded this matter to the district court to enter findings of fact regarding the child support and attorney fees issues. On remand, the district court held an evidentiary hearing and once again denied appellant's request to modify his child support obligation and awarded attorney fees to respondent. This appeal followed.

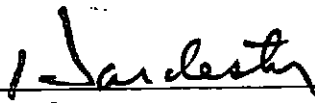
On appeal, appellant argues that the district court abused its discretion in denying his motion to reduce his child support obligation when it concluded that he was willfully underemployed, unemployed, or hiding his income. NRS 125B.080(8) provides that when the court finds that a parent is willfully underemployed or unemployed to avoid a child

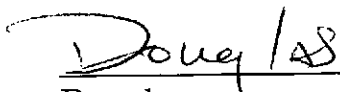
support obligation, the court may award child support “based upon the parent’s true potential earning capacity.” Here, the record demonstrates that appellant was able to earn a comfortable income before relocating to Australia and that he failed to present any evidence demonstrating why he could no longer earn a similar income. *See Minnear v. Minnear*, 107 Nev. 495, 498, 814 P.2d 85, 86-87 (1991) (noting that “where evidence of willful underemployment preponderates, a presumption will arise that such underemployment is for the purpose of avoiding support . . . [and] the burden of proving willful underemployment for reasons other than avoidance of a support obligation will shift to the supporting parent”). The record also shows that appellant has a history of misleading the court and failing to cooperate by properly disclosing his income. As such, this court concludes that the district court did not abuse its discretion in denying appellant’s request to modify his child support obligation. *See Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (holding that a district court’s order concerning child support will not be overturned absent an abuse of discretion).

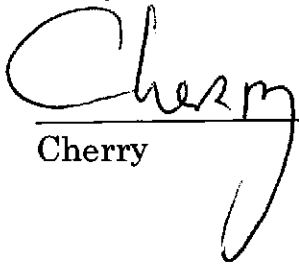
Appellant also argues that the district court abused its discretion in awarding respondent attorney fees. NRS 125.150(3) provides that the district court may award reasonable attorney fees in a divorce proceeding. *See also* NRS 125.180(1) (providing that the district court may award attorney fees associated with obtaining a judgment for support arrearages). As the record demonstrates that the district court considered the appropriate factors in awarding respondent attorney fees, we conclude that it did not abuse its discretion. *See Brunzell v. Golden Gate Nat’l Bank*, 85 Nev. 345, 349-50, 455 P.2d 31, 33 (1969) (explaining that this

court will not overturn an award of attorney fees absent an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. William S. Potter, District Judge, Family Court Division  
Scott Goodkin  
Fine Law Group  
Eighth District Court Clerk

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<sup>1</sup>Appellant also challenges an oral decision denying his motion to disqualify the district judge, but because no written order was entered denying that motion, we lack jurisdiction to address that portion of the appeal. See *Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (providing that no appeal may be taken from a district court's oral ruling).