

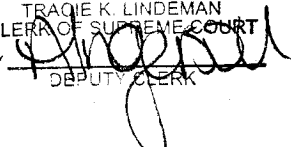
IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM MICHAEL HANRAHAN, JR.,
Appellant,
vs.
MICHELLE VELEZ,
Respondent.

No. 61531

FILED

NOV 14 2013

TRAQIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a fast track child custody appeal from a district court order granting a motion to relocate with the minor children. Eighth Judicial District Court, Family Court Division, Clark County; William B. Gonzalez, Judge.

The parties divorced in October 2009, and agreed to joint physical custody of their two minor children. Thereafter, respondent filed a motion to relocate with the children to the state of Washington. Appellant opposed the motion. After an evidentiary hearing, the district court entered an order granting respondent's motion to relocate. Appellant moved to reconsider the decision, and the district court denied the motion.

On appeal, appellant contends that the district court failed to set forth factual findings demonstrating that relocation was in the children's best interests under NRS 125.480(4). Appellant also contends that the district court abused its discretion in granting relocation because appellant had de facto primary custody and because the court focused on the benefit to respondent rather than the children's interests. Finally, appellant contends that the relocation request was premature because it


was based on respondent's future plans for marriage, education, and career goals in the state of Washington.

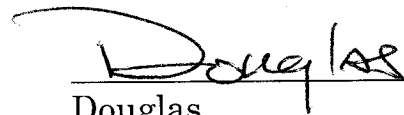
When the parties share joint physical custody, the parent seeking to relocate must move for primary physical custody of the children for the purpose of relocating, and the district court may modify joint custody to allow for relocation if it is shown that such modification is in the children's best interests. *Potter v. Potter*, 121 Nev. 613, 618, 119 P.3d 1246, 1249 (2005); *see also* NRS 125.510(2); *Truax v. Truax*, 110 Nev. 437, 874 P.2d 10 (1994). "The moving party has the burden of establishing that it is in the child's best interest to reside outside of Nevada with the moving parent as the primary physical custodian. The issue is whether it is in the best interest of the child to live with parent A in a different state or parent B in Nevada." *Potter*, 121 Nev. at 618, 119 P.3d at 1250. Child custody decisions rest within the district court's sound discretion. *See Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996).

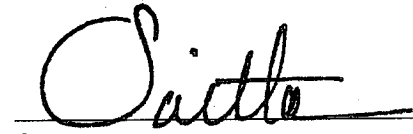
Having reviewed the record, we conclude that appellant's contentions are without merit. Respondent's request to relocate was timely, and the district court applied the correct legal standard and considered the children's best interests in granting it. In particular, the district court found that respondent would have greater support from her extended family and her significant other in Washington. The district court also found that respondent would have the opportunity to further her educational and career goals with the support of her family, which would improve her financial circumstances and enable her to provide for her children after being a stay-at-home mother during the parties' marriage. *See McGuinness v. McGuinness*, 114 Nev. 1431, 1433, 970 P.2d 1074, 1076 (1998) (recognizing that the parents' circumstances and well-

being are “inextricably entwined with the best interest of the child”). We conclude that the district court’s findings are supported by substantial evidence in the record, and that the court did not abuse its discretion. See *Rico v. Rodriguez*, 121 Nev. 695, 701, 120 P.3d 812, 816 (2005). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. William B. Gonzalez, District Judge, Family Court Division
Frank J. Toti
Pecos Law Group
Eighth District Court Clerk

¹In light of our order, we deny appellant’s requests for a status check as moot.