

IN THE SUPREME COURT OF THE STATE OF NEVADA

ONIE DANA COOPER,
Appellant,
vs.
AILEEN COOPER,
Respondent.

No. 62440

FILED

MAR 13 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malme
DEPUTY CLERK

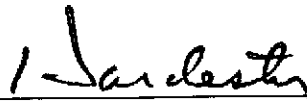
ORDER OF AFFIRMANCE

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

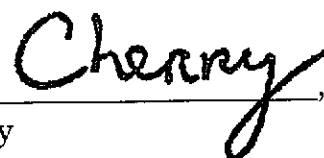
On appeal, appellant first contends that the district court improperly ordered him to pay one-half of the child's private school tuition through the fifth grade. The parties had previously agreed, and the district court had entered an order reflecting their agreement, that they would equally share the cost of the child's private school tuition through the fifth grade. As the district court had previously ordered the parties to equally share the cost of the private school tuition and there is no evidence of a current change of circumstances warranting a modification of that order, we conclude that the district court did not abuse its discretion in ordering appellant to continue to pay one-half of the private school tuition. *See Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (providing that this court reviews child support orders for an abuse of discretion); *see also generally Fernandez v. Fernandez*, 126 Nev. ___, ___, 222 P.3d 1031, 1037-38 (2010) (providing that the district court has jurisdiction to modify child support even if the parties have previously entered into a child support agreement).

Appellant also contends that the district court abused its discretion in eliminating the restriction on the parties' child having unsupervised contact with respondent's adult daughter from a previous marriage. Appellant argues that the restriction should not have been lifted because the district court had previously stated that it would consider lifting the restriction if a doctor concluded that respondent's daughter posed no risk to the parties' child, and no doctor has come to that conclusion. We conclude that the district court did not abuse its discretion in lifting the restriction after reconsidering this issue, considering evaluations of the parties and the respondent's adult daughter, and concluding that there was no significant basis to continue the restriction. See *Wallace*, 112 Nev. at 1019, 922 P.2d at 543 (providing that this court will not disturb a custody decision, including visitation, absent a clear abuse of discretion); see also *Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (pointing out that it is not within the purview of an appellate court to weigh conflicting evidence or assess credibility of the witnesses). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

¹We conclude that appellant's additional argument regarding his constitutional parental rights lacks merit. See *Rivero v. Rivero*, 125 Nev. 410, 421, 216 P.3d 213, 221-22 (2009) (providing that when parties are unable to agree on a parenting decision, the parties may bring the issue before the court, and the court will determine what is in the child's best interests).

cc: Hon. William S. Potter, District Judge, Family Court Division
Kirk-Hughes & Associates
Family Law Group, LLC
Eighth District Court Clerk