

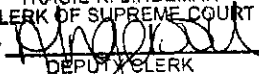
IN THE SUPREME COURT OF THE STATE OF NEVADA

GULSELDA OREN,  
Appellant,  
vs.  
NAZIM OREN,  
Respondent.

No. 62586

**FILED**

FEB 14 2014

TRACIE 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 awarding appellant primary physical custody and respondent visitation. Eighth Judicial District Court, Family Court Division, Clark County; Kenneth E. Pollock, Judge.

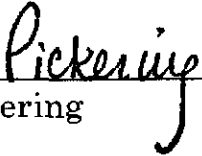
Child custody matters, including visitation, rest in the district court's sound discretion, and this court will not disturb a custody decision absent a clear abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996). When a custody decision is made for appropriate reasons and is supported by substantial evidence, there is no abuse of discretion. *See Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007). The district court's sole consideration when determining child custody is the child's best interest. *See* NRS 125.480(1).

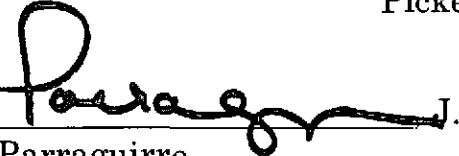
On appeal, appellant argues that the district court abused its discretion in concluding that it was in the child's best interest to visit respondent in New York for four weeks each year and ordering that the parties share the transportation costs. Appellant testified at the evidentiary hearing that she believed that respondent's home was not a suitable place for the child. Appellant further testified, however, that she did not believe that their son was in any risk of harm or danger when staying with respondent, and she offered no other evidence establishing that it would be unsafe for the child to visit respondent at his home in

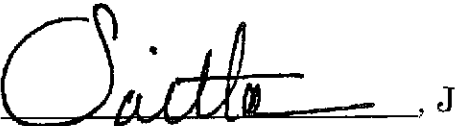
New York. Thus, we conclude that the district court did not abuse its discretion as to visitation. *See Wallace*, 112 Nev. at 1019, 922 P.2d at 543; *see also Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (pointing out that it is not within the purview of an appellate court to weigh conflicting evidence or assess credibility of the witnesses). Further, there was no abuse of discretion in ordering the parties to share the transportation costs.<sup>1</sup> *See Wallace*, 112 Nev. at 1019, 922 P.2d at 543.

Appellant also argues that the district court abused its discretion in failing to require that the child be accompanied by an adult during travel. The record, however, demonstrates that appellant did not raise this issue in the district court, and thus, it is waived on appeal. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (recognizing that arguments not presented to the district court are considered waived on appeal). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

<sup>1</sup>While appellant appears to argue that the district court abused its discretion in providing respondent with an abatement for his child support obligation in regard to the transportation costs, the record on appeal demonstrates that no such abatement was requested or considered.

<sup>2</sup>We direct the clerk of this court to file the fast track response and proper person letter provisionally received in this court on August 20, 2013, and August 27, 2013, respectively. This court did not consider any documents included with the fast track response that were not in the record before the district court or were held inadmissible. *See Carson Ready Mix Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981).

cc: Hon. Kenneth E. Pollock, District Judge  
Rocheleau Law Group/Right Lawyers  
Nazim Oren  
Eighth District Court Clerk